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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Special Committee decision of 11 August 1998 concerning Puerto Rico

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I. Introduction

1. At its 1498th meeting, on 11 August 1998, the Special Committee adopted a resolution on the question of the Special Committee decision of 15 August 1991 concerning Puerto Rico (A/AC.109/2131). In paragraph 3 of the resolution, the Special Committee requested the Rapporteur to submit a report to the Special Committee on the implementation of the resolution. The present report was prepared by the Rapporteur of the Special Committee pursuant to resolution A/AC.109/2131. It considers the question of Puerto Rico in the light of previous reports prepared by the Rapporteur, recent constitutional and political developments in Puerto Rico, action taken by United Nations bodies on the question and the views of the parties concerned.

II. Information on Puerto Rico

A. Country and inhabitants

2. Puerto Rico is the most easterly and smallest island of the Greater Antilles in the Caribbean sea. It has an area of 8,637.7 square kilometres, including the small nearby islands of Vieques, Culebra and Mona. More than three fourths of Puerto Rico is mountainous and the range that runs its length reaches an elevation of 1,219 metres at its highest point.

3. The population, which numbered approximately 150,000 at the beginning of the nineteenth century, increased to more than 2 million during the first half of the twentieth century. According to the 1990 census, the population totalled 3,522,037; in 1997 it was estimated at approximately 3.82 million. In addition, there are reported to be between 2.5 million and 3 million Puerto Ricans residing on the mainland of the United States of America. The 1990 census calculated the population of San Juan, Puerto Rico's capital, to be approximately 438,000, and the most recent Census Bureau estimates (1997) suggest that this has changed by less than 1 per cent.

B. Constitutional and political evolution

4. Additional information on the constitutional and political evolution of Puerto Rico is contained in previous reports of the Rapporteur (A/AC.109/L.976 and A/AC.109/L.1572).

5. Puerto Rico was a colony of Spain from 1508 until 1898. Under the Treaty of Paris of 10 December 1898, marking the end of the Spanish-American war, the island was ceded to the United States, which established a military protectorate on the island between 1898 and 1900. In 1900, the United States Congress passed the Foraker Act, replacing the military Government with a civilian one that included a popularly elected legislature. The Governor and the members of the Executive Council, however, were appointed by Washington, D.C., and they retained broad powers over the legislature.

6. Self-government was strengthened by the Organic Act (the "Jones Act") of 1917, which added a bill of rights and a popularly elected senate to the governmental machinery established by the Foraker Act. The Governor remained a Washington, D.C., appointee, however, and continued to hold veto power over legislation. The Act also conferred American citizenship on all Puerto Ricans, though the measure was opposed by the Camera de Delegados, the popularly elected legislative body.

7. In 1948, during an extraordinary session of the Legislative Assembly, three laws designed to punish acts against the Government of Puerto Rico were passed. One of these was signed by the Governor and became Law 53, also known as the "Ley de la Mordaza", or the "Gag Law". According to this legislation, it became a felony to advocate the forceful destruction or overthrow of the island's Government. The law considered as felonious the printing or publishing of certain materials, as well as the organization of groups or assemblies dedicated to overthrowing the Government.[1]

8. Also in 1948, following enactment by the United States Congress of Public Law 362, the first popular gubernatorial elections were held, ending the succession of Washington, D.C.-appointed governors. In 1950, the United States Congress adopted Public Law 600, which provided for the organization of a constitutional government by the people of Puerto Rico. A referendum on the question was held and on 4 June 1951 the law was approved by 76.5 per cent of Puerto Ricans who voted. A constitutional convention was elected in August 1951 and a draft constitution was subsequently prepared. On 3 March 1952, the draft constitution was submitted to the people of Puerto Rico. It was approved by 81 per cent in a referendum in which 59 per cent of eligible voters participated. The draft was sent to the United States Congress for approval and was adopted on 25 July 1952, via Public Law 447, on the condition that specific changes be made to the Bill of Rights (see para. 25 below). The changes were made despite some objections that the constitution could not be unilaterally modified by the United

States Congress.[2] The popular referendum and congressional ratification created the "Commonwealth" of Puerto Rico, a loose translation of the Spanish term provided in the Constitution: "Estado Libre Asociado de Puerto Rico".

9. The Constitution of the Commonwealth of Puerto Rico is described in detail in the Rapporteur's report of 26 August 1974 (A/AC.109/L.976, paras. 91–119). In brief, the Government consists of: (a) a Governor elected for four years at each general election; (b) a Legislative Assembly comprising two houses: a Senate (27 members) and a House of Representatives (51 members), whose members are elected by direct vote of the adult population at each general election; and (c) a Supreme Court and lower courts. Puerto Rico is represented in the Government of the United States by the Resident Commissioner, who is a non-voting member of the United States House of Representatives but a voting member of the committees on which he or she sits. Although it has its own courts, the Puerto Rican legal system is integrated into the United States federal judicial system via the First Circuit Court of Appeals, and federal law trumps local law.

10. The provisions of Public Law 600 stipulated that upon entry into force of the new Constitution the provisions of the Jones Act would be automatically repealed but laws relating to Puerto Rico's relations with the United States would remain in force. These latter provisions constituted the Federal Relations Act. This Act, and amendments to it, is also described in detail in the Rapporteur's 1974 report (A/AC.109/L.976, paras. 120–132). It should be noted, in the light of some of the issues to be dealt with later in the present study, that under the Federal Relations Act Puerto Rico was brought within the trade, tariff and monetary systems of the United States. Furthermore, the United States undertook responsibility for the defence of Puerto Rico.

11. In 1958, a bill was enacted by the Legislative Assembly of Puerto Rico requesting changes in the Federal Relations Act. The following year, only seven years after the ratification of the constitution, three bills requesting changes in the political status of the Territory were submitted to the United States Congress. No action was taken on any of these bills. Further, in 1967, a plebiscite was held, offering inhabitants the choice between independence, becoming a state of the United States or maintaining the Commonwealth status. The Commonwealth option was upheld by 60.41 per cent of voters. These efforts to change and/or clarify the status of Puerto Rico relative to the United States are described in greater detail in the Rapporteur's 1974 report (A/AC.109/L.976).

C. Economic development

12. Puerto Rico has an industrialized economy with particular characteristics derived from its island geography and close institutional links to the United States.

13. Manufacturing accounts for more than 40 per cent of the gross domestic product. The manufacturing sector includes operations in pharmaceuticals, electronics and scientific and precision instruments. Industrialization was encouraged by the Industrial Incentive Act of 1954, which granted concessions to North American companies that located plants on the island. In addition, section 936 of the United States Federal Tax Code provided generous tax incentives to these companies, including the right to tax-free repatriation of profits. These policies have helped make Puerto Rico an "offshore manufacturing outpost"[3] of the United States. This status is confirmed by Puerto Rico's trade data: total trade represents more than 25 per cent of the gross domestic product; about 90 per cent of Puerto Rico's merchandise exports go to the United States; and imports of raw materials and finished products by United States firms on the island make up 85 per cent of total imports. About 10 per cent of Puerto Rico's gross national product comes from tourism, whose development has become a priority for the current Government. Unemployment averaged about 13.6 per cent in 1997/98 and is expected to increase to about 14 per cent in 1999, in part owing to a recent increase in the federal minimum wage to US$ 5.15 per hour.[4]

14. The gross national product for fiscal year 1996/97 (the most recent available data) was $32.1 billion. Between 1993 and 1997 the average gross national product growth rate was 4.3 per cent. Growth in 1997/98 was expected to be approximately 3 to 3.5 per cent; this is higher than the previously estimated 2.6 to 2.8 per cent owing to short-term reconstruction needs in the aftermath of hurricane "Georges". Per capita gross domestic product income is around $7,296, which, although the highest in Latin America, is one third the United States average, and half that of Mississippi, the state with the lowest per capita income.

15. The politico-economic relationship of Puerto Rico to the United States leaves the island vulnerable to unilateral policy shifts in the metropole. Since the Rapporteur's 1985 report (A/AC.109/L.1572), two important decisions have been taken by the United States, without direct Puerto Rican participation, which have forced major changes in the Puerto Rican economy. First, in 1996 the United States decided to begin phasing out the section 936 incentives (see para. 13), and to eliminate them totally by 2005. The Government of Puerto Rico has reacted by cutting its own corporate income

taxes in half (to 7 per cent) and investing $3 billion in infrastructure in order to take advantage of growing intra-regional trade. The Government has also received permission from the United States Commerce Department to establish a free-trade zone to help maintain the island's status as a Caribbean hub for United States manufacturers.

16. The second important event was the entry into force of the North American Free Trade Agreement (NAFTA) by the Governments of the United States, Canada and Mexico in 1994. By extending trade and economic preferences to Mexico, in particular, this agreement reduced Puerto Rico's privileged status as an outlet for United States trade and investment in the Caribbean region.

17. Puerto Rico is also economically linked to the United States by remittance payments from the federal Government to individual Puerto Ricans. Although Puerto Ricans do not pay federal taxes many receive federal transfer payments, for example through salaries and benefits for federal Government workers or pensions and benefits for veterans. In sum, Puerto Rico received $10.1 billion in 1997 from the United States federal Government. This amounts to three fourths of its domestic budget and 22 per cent of its gross domestic product; 20 years ago, federal funds represented only 6 per cent of the gross domestic product.

D. Military aspects

18. Puerto Rico has an important military-strategic position in the Caribbean as one of three important bases in the region, which fits within the United States Southern Command. The other two bases are in the Panama Canal Zone and Guantanamo. The importance of Puerto Rico is heightened for the United States owing to the imminent loss of the Panama Canal Zone. According to the 1977 treaty with the Government of Panama, the United States military must abandon all of its installations in the Canal Zone by 2001.

19. The United States Army Southern Command is scheduled to relocate some of its forces at Fort Buchanan in Puerto Rico; some military units have reportedly already been transferred from Panama to the island. This move has been protested by local peace and environmental activists.[5]

20. The United States has maintained a military base on the island of Vieques as well as radar installations in the towns of Lajas and Juana Díaz since 1941. The United States Navy owns three quarters of Vieques, leaving one quarter for the 9,300 local residents. The island is used by the United States Navy for military exercises, and is the largest area in the Western hemisphere for such exercises with live ammunition, and the only place where bombing occurs near a large civilian population.[6] On 19 April 1999, a 500-pound bomb missed its target during a live bombing exercise, killing one Puerto Rican and injuring three others. According to press reports, hundreds of Puerto Ricans protested the military's presence on the island following the accident and the Governor sent a letter to the President of the United States requesting that the exercises be halted.[7] On 11 June, the United States Department of Defense announced the formation of a special panel to evaluate the need for the continued use of live ordnance on Vieques. The Department also announced the immediate cessation of the use of all live and inert ordnance at Vieques until the review is completed.

21. The Vieques base is to be expanded with the installation of the United States Navy's Relocatable Over-the-Horizon Radar (ROTHR), which will be used to spot clandestine aircraft carrying drugs from South America to the United States. The second antenna of this system will be in the town of Juana Díaz. The system is being implemented despite grass-roots protests by communities and environmental organizations which, among other things, fear that the radar's electromagnetic waves will have adverse health effects on the local population. Cancer rates are already reported to be abnormally high as a possible result of toxic materials released by the bombs exploded on the island.[8] According to press reports, the United States Navy admitted that it had mistakenly fired, on 5 March 1999, 263 rounds of bullets made from depleted uranium. The use of depleted uranium is strictly prohibited on the range. The Navy said that there was little danger to public health and safety and that it was investigating the incident.[9] According to the Partido Independentista Puertorriqueño, the bombing exercises on Vieques violate several United States federal environmental laws, including the Endangered Species Act, the Clean Water Act, the Clean Air Act and the Executive Order on Environmental Justice.

22. It should also be noted that Puerto Ricans may be drafted by the federal Government to serve in the wars of that Government.

E. Respect for human rights

23. The international community has developed a number of international human rights standards. These include non-binding declarations such as the Universal Declaration of Human Rights, the Declaration on the Right to Development and the Declaration on the Protection of All Persons from Enforced Disappearance. In addition, there are nine human

rights treaties that are binding on their signatories, of which the United States has adhered to four, and signed (but not ratified) an additional three. The United States has signed and ratified the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Prevention and Punishment of the Crime of Genocide and the International Convention on the Elimination of All Forms of Racial Discrimination. It has signed but not ratified the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, and the Convention on the Rights of the Child.[10]

24. According to the Federal Relations Act, the United States federal Government holds jurisdiction over the international relations of Puerto Rico. Thus, the covenants and conventions to which the United States is party apply also to Puerto Rico. It might be noted in this connection that the major condition imposed by the United States Congress in exchange for ratification of the 1952 Puerto Rican Constitution (see para. 8 above) concerned human rights. The bill of rights contained in the submitted draft of the Constitution was largely modelled on the Universal Declaration of Human Rights and the American Declaration of the Rights and Duties of Man approved at Bogotá. The United States Congress made ratification of the Puerto Rican Constitution conditional on the elimination of section 20 of the proposed bill of rights. Section 20 recognized, *inter alia*, rights to social protection in the event of unemployment, sickness, old age or disability, the right to obtain work, the right to an adequate standard of living and the rights of mothers and children to special care and assistance.[11]

25. Two types of human rights abuse in Puerto Rico or against Puerto Ricans have been consistently brought before the Special Committee. The first relates to the presence of United States military forces on the island, which some petitioners to the Special Committee have claimed impedes the exercise of self-determination. The second is the ongoing detention of 15 Puerto Rican prisoners in the United States. The National Committee to Free Puerto Rican Prisoners of War and Political Prisoners, and a number of political, civic and religious leaders, have claimed that the prisoners, most of whom were detained 18 years ago for political crimes, have received disproportionately high sentences. There is a consensus, which includes former presidents of the Puerto Rican Bar Association, religious organizations and representatives of all political ideologies, that these prisoners should be released in the interests of human rights. According to the National Committee, the campaign for amnesty for these prisoners has received the endorsement of 11 Nobel Prize winners and is under review by the United States Justice Department.

III. Previous action by United Nations bodies

A. General

26. Information on action taken by United Nations bodies with respect to Puerto Rico prior to 1974 is contained in the 1973 report of the Rapporteur (A/AC.109/L.976). Information on action taken between 1974 and 1985 is contained in the report of the Rapporteur on the implementation of the Committee's decision of 7 September 1976 concerning Puerto Rico (A/AC.109/L.1191 and Add.1), covering the period 1974–1976; the report of the Rapporteur on the implementation of the Committee's resolution of 12 September 1978 concerning Puerto Rico (A/AC.109/L.1334 and Add.1–3), covering the period 1977–1978; the report of the Rapporteur submitted in pursuance of the Special Committee's resolution of 20 August 1981 concerning Puerto Rico (A/AC.109/L.1436), covering the period 1979–1981; and the report of the Rapporteur submitted in pursuance of the Special Committee's decision of 23 August 1984 concerning Puerto Rico (A/AC.109/L.1572), covering the period 1981–1985. Supplementary information is set out below.

B. Action by the Special Committee

1. Decision of 24 August 1984 concerning Puerto Rico (1985 session)

27. At its 1271st meeting, on 21 February 1985, by adopting the suggestions put forward by the Chairman relating to the organization of the Committee's work (A/AC.109/L.1537 and Corr.1), the Special Committee decided, *inter alia*, to take up separately an item entitled "Special Committee decision of 24 August 1984 concerning Puerto Rico" and to consider it at plenary meetings.

28. The Special Committee considered the item at its 1287th to 1292nd meetings, between 12 and 14 August.

29. At the 1287th meeting, on 12 August, the Chairman drew attention to the report of the Rapporteur (A/AC.109/L.1571) and to a communication dated 9 July 1985 addressed to the Chairman by the Permanent Representative of Cuba to the United Nations (A/AC.109/833).

30. At the 1287th, 1288th and 1290th meetings, on 12 and 13 August, the Chairman drew attention to a number of communications received from organizations expressing the wish to be heard by the Special Committee in connection with its consideration of the item. The Committee agreed to accede to those requests and heard the representatives of the organizations concerned as indicated below.

31. At the 1287th meeting, statements were made by Olaquibeet A. López-Pacheco of Gran Oriente Nacional de Puerto Rico; Carlos Vizcarrondo Irizarry of Pro Estado Libre Asociado; Cirilo Tirado of Juventud Autonomista Puertorriqueña; Conchita Rinaldi of the Respetable Logia Femenina Julia de Burgos; Philip Oke of the Christian Peace Conference; Rev. Wilfredo Vélez of the Movimiento Ecuménico Nacional de Puerto Rico; and Eduardo Morales Coll of Ateneo Puertorriqueño (see A/AC.109/PV.1287).

32. At the 1288th meeting, statements were made by Abraham Díaz González of the Puerto Rico Bar Association; Rafael Soltero Peralta of the Gran Logia Nacional de Puerto Rico; Juan García Passalacqua of Americans for Democratic Action; Michel E. Deutsch of the Puerto Rico Subcommittee of the National Lawyers Guild; Narciso Rabell-Martínez of the Partido Comunista Puertorriqueño; William Arkin of the Puerto Rico Solidarity Committee; José E. López of the Movimiento de Liberación Nacional Puertorriqueño; and José Luis Rodríguez of the National Committee to Free Puerto Rican Prisoners of War and Political Prisoners (see A/AC.109/PV.1288).

33. At the 1289th meeting, statements were made by Hector Dávila Alonso of the Casa Nacional de la Cultura; Humberto Durán of Gran Oriente Interamericano de Puerto Rico; Rev. José Antonio Ramos of the Ecumenical Committee on the Future of Puerto Rico; and Aida Negrón de Montilla of Ciudadanos Pro Cultura Puertorriqueña (see A/AC.109/PV.1289).

34. At the 1290th meeting, statements were made by Herminia Cruz Resto of the Comité Unitario Independentista; Rita Elena Zengotita of the Comité Unitario contra la Represión y por la Defensa de los Presos Políticos; Ileana Carrión of the Movimiento Puertorriqueño Antinuclear; Fernando Martín of the Partido Independentista Puertorriqueño; and Juan Mari Bras of the Comité Puertorriqueño en las Naciones Unidas (see A/AC.109/PV.1290).

35. At the 1291st meeting, statements were made by Antonio José Herrera-Rodríguez of the Comité Internacional Permanente de Solidaridad con la Independencia de Puerto Rico and Carlo Gallisá of the Partido Socialista Puertorriqueño (see A/AC.109/PV.1291).

36. At the 1289th meeting, on 13 August, the representative of Cuba, in a statement to the Special Committee (see A/AC.109/PV.1289), introduced, on behalf of his Government, a draft resolution on the item (A/AC.109/L.1574), together with certain oral revisions to operative paragraphs 2 and 3.

37. At the 1290th meeting, on the same day, the Chairman drew attention to the revised draft resolution submitted by Cuba (A/AC.109/L.1574/Rev.1).

38. At the same meeting, the Chairman informed the Special Committee that the delegation of Nicaragua had expressed the wish to make a statement in connection with the Committee's consideration of the item. With the Committee's consent, the representative made a statement (see A/AC.109/PV.1290).

39. At the 1291st meeting, on 14 August, statements were made by the representatives of Czechoslovakia, Afghanistan, the Union of Soviet Socialist Republics and the Syrian Arab Republic (see A/AC.109/PV.1291).

40. At the 1292nd meeting, on the same day, the representative of Venezuela introduced revised draft resolution A/AC.109/L.1575/Rev.1 on the item.

41. At the same meeting, the representative of Cuba informed the Committee that his delegation had become a sponsor of the revised draft resolution submitted by the delegation of Venezuela (A/AC.109/L.1575/Rev.1) and that it would not press revised draft resolution A/AC.109/L.1574/Rev.1 to a vote.

42. The representative of Bulgaria made a statement (see A/AC.109/PV.1292).

43. At the same meeting, following a statement by the representative of the Congo, the Special Committee adopted revised draft resolution A/AC.109/L.1575/Rev.1, now sponsored by Cuba and Venezuela, by 11 votes to 1, with 10 abstentions. Further statements were made by the representatives of Chile, China and Sweden (see A/AC.109/PV.1292).

44. The text of the resolution (A/AC.109/844) adopted by the Special Committee at its 1292nd meeting, on 14 August 1985, is reproduced below:

"*The Special Committee*,

"*Recalling* that this year marks the twenty-fifth anniversary of the General Assembly's adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in its resolution 1514 (XV) of 14 December 1960,

"*Having examined* the report of the Rapporteur of the Special Committee on the implementation of its resolutions concerning Puerto Rico,

"*Recalling* the resolutions and decisions of the Special Committee concerning Puerto Rico and, in particular, the resolution adopted on 24 August 1984,

"*Conscious* of the growing importance for the peoples and nations of Latin America of affirming their unity and cultural identity,

"*Having heard* statements and testimony representative of various trends among the Puerto Rican people and of its social institutions,

"1. *Reaffirms* the inalienable right of the people of Puerto Rico to self-determination and independence in conformity with General Assembly resolution 1514 (XV) and the full applicability of the fundamental principles of that resolution with respect to Puerto Rico;

"2. *Expresses its hope,* and that of the international community, that the people of Puerto Rico may exercise without hindrance its right to self-determination, with the express recognition of the people's sovereignty and full political equality, in conformity with paragraph 5 of General Assembly resolution 1514 (XV);

"3. *Requests* the Rapporteur to present a report to the Special Committee on the implementation of its resolutions concerning Puerto Rico;

"4. *Decides* to keep the question of Puerto Rico under continuing review."

2. Special Committee decision of 14 August 1985 concerning Puerto Rico (1986 session)

45. At its 1294th meeting, on 18 March 1986, by adopting the suggestions put forward by the Chairman relating to the organization of the Committee's work (A/AC.109/L.1577), the Special Committee decided, *inter alia*, to take up separately an item entitled "Special Committee decision of 14 August 1985 concerning Puerto Rico" and to consider it at plenary meetings.

46. The Special Committee considered the item at its 1303rd to 1307th meetings, between 12 and 14 August.

47. At the 1303rd meeting, on 12 August, the Chairman drew attention to the report of the Rapporteur (A/AC.109/L.1598).

48. At the 1303rd and 1305th meetings, on 12 and 13 August, respectively, the Chairman drew attention to a number of communications received from organizations expressing the wish to be heard by the Special Committee in connection with its consideration of the item. The Committee agreed to accede to those requests.

49. At the 1303rd meeting, statements were made by Mary Morris of the Puerto Rico Solidarity Committee; Minerva González of the Respetable Logia Femenina Julia de Burgos; Aída N. Montilla of the Instituto de Estudios de la Problemática Puertorriqueña; Miguel González Ríos of the Instituto de Formación Política; Philip Oke of the Christian Peace Conference; Michael E. Deutsch of the National Lawyers Guild; and Piri Fernández de Lewis of the Comité Puertorriqueño Intelectuales Soberanía Pueblos (see A/AC.109/PV.1303).

50. At the 1304th meeting, statements were made by Gene R. La Rocque of the Center for Defence Information; Humberto Durán of Gran Oriente Interamericano de Puerto Rico; Narciso Rabell-Martínez of the Partido Comunista Puertorriqueño; Julio Rosado Ayala of the Movimiento de Liberación Nacional; Arturo Meléndez of the Asociación Puertorriqueña de Profesores Universitarios; Josefina Rodriguéz of the Committee of Family and Friends of Puerto Rican Political Prisoners; Rafael Soltero Peralta of the Gran Logia Nacional de Puerto Rico; Olaguibeet A. López Pacheco of the Gran Oriente Nacional de Puerto Rico; Elsie Valdés Ramos of the Partido de Renovación Puertorriqueña; and Noel Colón Martínez of the Colegio de Abogados de Puerto Rico (see A/AC.109/PV.1304).

51. At the 1305th meeting, statements were made by Rita E. Zengotita of the Comité Unitario contra la Represión y por la Defensa de los Presos Políticos; Carlos Gallisá of the Partido Socialista Puertorriqueño; Juan Mari Bras of the Comité Puertorriqueño en las Naciones Unidas; Fernando Martín of the Partido Independentista Puertorriqueño; Rev. Juan A. Vera of the Movimiento Ecuménico Nacional de Puerto Rico; Antonio José Herrera, Member of Parliament of the Republic of Venezuela; Richard Harvey of the James Connolly Prisoners' Welfare Fund; and Rev. Jesse L. Jackson of the National Rainbow Coalition, Inc. (see A/AC.109/PV.1305).

52. At the 1306th meeting, statements were made by Neftali García of the Proyecto de Educación Social; José Antonio Rivera of the Comité Especial de Apoyo y Defensa de los Prisioneros de Guerra Independentistas Puertorriqueños; and Carlos Vizcarrondo Irizarry of the Pro Estado Livre Asociado and Juventud Autonomista Puertorriqueña (see A/AC.109/PV.1306).

53. At the 1305th meeting, on 13 August, the representative of Venezuela in a statement to the Special Committee introduced, on behalf of his Government, a draft resolution on the item (A/AC.109/L.1608). Cuba subsequently became a co-sponsor of the draft resolution.

54. At the 1307th meeting, on 14 August, the Chairman informed the Special Committee that the delegation of Nicaragua had expressed the wish to make a statement in connection with the Committee's consideration of the item. With the Committee's consent, the representative of Nicaragua made a statement. At the same meeting, statements were made by the representatives of Afghanistan, Czechoslovakia and Bulgaria (see A/AC.109/PV.1307).

55. At the same meeting, the Special Committee adopted draft resolution A/AC.109/L.1608 by 10 votes to 1, with 8 abstentions. Statements were made by the representatives of the United Republic of Tanzania, Sweden and Chile.

56. The text of the resolution (A/AC.109/883) adopted by the Special Committee at its 1307th meeting, on 14 August 1986, is reproduced below:

"*The Special Committee*

"*Having examined* the report of the Rapporteur of the Special Committee on the implementation of its resolutions concerning Puerto Rico,

"*Recalling* the resolutions and decisions of the Special Committee concerning Puerto Rico and, in particular, the resolution adopted on 14 August 1985,

"*Conscious* of the growing importance for the peoples and nations of Latin America of affirming their unity and cultural identity,

"*Having heard* statements and testimony representative of various trends among the Puerto Rican people and of its social institutions,

"1. *Reaffirms* the inalienable right of the people of Puerto Rico to self-determination and independence, in conformity with General Assembly resolution 1514 (XV) of 14 December 1960, and the full applicability of the fundamental principles of that resolution with respect to Puerto Rico;

"2. *Expresses its hope*, and that of the international community, that the people of Puerto Rico may exercise without hindrance its right to self-determination, with the express recognition of the people's sovereignty and full political equality, in conformity with paragraph 5 of General Assembly resolution 1514 (XV);

"3. *Requests* the Rapporteur to present a report to the Special Committee on the implementation of its resolutions concerning Puerto Rico;

"4. *Decides* to keep the question of Puerto Rico under continuing review."

3. Special Committee decision of 14 August 1986 concerning Puerto Rico (1987 session)

57. At its 1312th meeting, on 24 February 1987, by adopting the suggestions put forward by the Chairman relating to the organization of the Committee's work (A/AC.109/L.1611), the Special Committee decided, *inter alia*, to take up separately an item entitled "Special Committee decision of 14 August 1986 concerning Puerto Rico" and to consider it at plenary meetings.

58. The Special Committee considered the item at its 1320th to 1324th meetings, between 10 and 12 August.

59. At the 1320th meeting, on 10 August, the Chairman drew attention to the report of the Rapporteur (A/AC.109/L.1633).

60. At the 1320th and 1321st meetings, on 10 August, the Chairman drew attention to a number of communications received from organizations expressing the wish to be heard by the Special Committee in connection with its consideration of the item. The Committee agreed to accede to those requests and heard the representatives of the organizations concerned as indicated below.

61. At the 1320th meeting, statements were made by Minerva González of the Respetable Logia Femenina Julia de Burgos; Awilda Paláu of the Comité Puertorriqueño de Intelectuales por la Soberanía de los Pueblos de Nuestra América; Olaguibeet A. López-Pacheco of Gran Oriente Nacional de Puerto Rico; Elsie Valdés Ramos of the Movimiento Unidos ante la Incertidumbre; Rafael Soltero Peralta of the Gran Logia Nacional de Puerto Rico; Héctor Lugo Bougal of the Colegio de Abogados de Puerto Rico; Carlos M. Paraliticci of the Convención de la Asociación Indoiberoamericana de Potencias Masónicas; Paquita Pesquera Cantellops of the Asociación Puertorriqueña de Profesores Universitarios; Juan M. García-Passalacqua of the Comité ad hoc de Juristas Internacionales; and Eligio Castro of the Liberty Council (see A/AC.109/PV.1320).

62. At the 1321st meeting, statements were made by Vanessa Ramos of the Oficina de Información Internacional para la Independencia de Puerto Rico; Gerard L. Keogh of the Brehon Law Society; Jaime Delgado of the National Committee to Free Puerto Rican Prisoners of War and Political Prisoners; Carlos D. Caro of the Gran Oriente

Interamericano de Puerto Rico; Rafael Cancel Miranda of the Comité Unitario contra la Represión; Nils Castro of the Conferencia Permanente de Partidos Políticos de América Latina; Rev. William Loperena Soto of the Movimiento Ecuménico Nacional de Puerto Rico; Carlos Vizcarrondo Irizarry of the Asamblea Municipal de Carolina; Wilda Rodríguez of the National Congress for Puerto Rican Rights; Marco Antonio Rigau of the Pro Estado Libre Asociado; Richard Harvey of the International Association of Democratic Lawyers; and Miguel Antonio González Ríos of the Partido Republicano Nacional de Puerto Rico (see A/AC.109/PV.1321).

63. At the 1322nd meeting, statements were made by María Dolores Fernos of the Comité de Amigos y Familiares de los Arrestados el 30 de Agosto de 1985; Juan Mari Bras of the Comité Puerto Rico en las Naciones Unidas; Carlos Gallisá of the Partido Socialista Puertorriqueño; Fernando Martín of the Partido Independentista Puertorriqueño; and Antonio José Herrera of the Comité Internacional Permanente de Solidaridad con la Independencia de Puerto Rico (see A/AC.109/PV.1322).

64. At the 1320th meeting, on 10 August, the Chairman informed the Special Committee that the delegation of Panama had expressed the wish to participate in the Committee's consideration of the item. At the 1321st meeting, on the same day, the Chairman also informed the Committee that the delegation of Nicaragua had expressed the wish to participate in the Committee's consideration of the item. The Committee decided to accede to these requests.

65. At the 1323rd meeting, on 11 August, statements were made by the representatives of Cuba, Venezuela, Afghanistan, Czechoslovakia, the Syrian Arab Republic, Bulgaria, Panama and Nicaragua (A/AC.109/PV.1323). The Chairman made a statement (A/AC.109/PV.1323).

66. At the same meeting, the Special Committee adopted revised draft resolution A/AC.109/L.1642/Rev.1 by 9 votes to 1, with 10 abstentions (see para. 52). Statements were made by the representatives of Sweden and Chile (A/AC.109/PV.1323). At the 1324th meeting, on 12 August, the representative of Tunisia made a statement (A/AC.109/PV.1324).

67. The text of the resolution (A/AC.109/925) adopted by the Special Committee at its 1323rd meeting, on 11 August 1987, is reproduced below:

"*The Special Committee*,

"*Recalling* the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960,

"*Having examined* the report of the Rapporteur of the Special Committee on the implementation of the resolutions concerning Puerto Rico,

"*Recalling* the resolutions and decisions of the Special Committee concerning Puerto Rico and, in particular, the resolutions adopted in August 1984, 1985 and 1986,

"*Conscious* of the growing importance for the peoples and nations of Latin America of affirming their unity and cultural identity,

"*Recognizing* the clearly Latin American character and identity of the people and culture of Puerto Rico,

"*Noting* the widespread concern about the revelations, confirmed by judicial decisions and by statements of the current Administration of the Territory, that for decades there has been a systematic practice of discrimination and official persecution directed against tens of thousands of Puerto Ricans who support independence, in flagrant violation of their civil and political rights,

"*Bearing in mind* the declarations concerning Puerto Rico adopted by the Movement of Non-Aligned Countries at their Eighth Conference of Heads of State or Government, held at Harare from 1 to 6 September 1986, and at their Special Ministerial Meeting of the Coordinating Bureau on Latin America and the Caribbean, held at Georgetown from 9 to 12 March 1987,

"*Having listened* to the statements of the representatives of the various trends of Puerto Rican public opinion, of the social and cultural organizations of Puerto Rico and of the representatives of political parties, social organizations and eminent Latin Americans,

"1. *Reaffirms* the inalienable right of the people of Puerto Rico to self-determination and independence, in conformity with General Assembly resolution 1514 (XV) of 14 December 1960, and the full applicability of the fundamental principles of that resolution with respect to Puerto Rico;

"2. *Expresses its hope*, and that of the international community, that the people of Puerto Rico may exercise without hindrance its right to self-determination, with the express recognition of the

people's sovereignty and full political equality, in conformity with paragraph 5 of General Assembly resolution 1514 (XV);

"3. *Requests* the Rapporteur to present a report to the Special Committee on the implementation of its resolutions concerning Puerto Rico;

"4. *Decides* to keep the question of Puerto Rico under continuing review."

68. On 11 August, the text of the resolution was transmitted to the Permanent Representative of the United States of America to the United Nations for the attention of his Government.

4. Special Committee decision of 11 August 1987 concerning Puerto Rico (1988 session)

69. At its 1329th meeting, on 2 February 1988, by adopting the suggestions put forward by the Chairman relating to the organization of the Committee's work (A/AC.109/L.1647), the Special Committee decided, *inter alia*, to take up separately an item entitled "Special Committee decision of 11 August 1987 concerning Puerto Rico" and to consider it at plenary meetings.

70. The Special Committee considered the item at its 1342nd to 1345th meetings, on 15 and 16 August 1988.

71. At the 1342nd meeting, on 15 August, the Chairman drew attention to the report of the Rapporteur (A/AC.109/L.1676).

72. At the 1342nd and 1343rd meetings, on 15 August, the Chairman drew attention to a number of communications received from organizations expressing the wish to be heard by the Special Committee in connection with its consideration of the item. The Committee agreed to accede to those requests and heard the representatives of the organizations concerned.

73. At the 1342nd meeting, statements were made by Antonio Camacho Negrón of the Movimiento Albizuista/Frente Anti-Electoral Puertorriqueño; Olaguibeet A. López-Pacheco, Supremo Consejo del Grado 33, Puerto Rico, Inc.; Minerva González of the Respetable Logia Femenina Julia de Burgos; Manuel de J. Feliciano of Gran Oriente Nacional de Puerto Rico/Asociación Indoiberoamericana de Potencias Masónicas; William Felice of the International League for the Rights and Liberation of Peoples; Elsie Valdés of the Movimiento Unidos ante la Incertidumbre del Status; Jean Zwickel of the Women's International League for Peace and Freedom; Manuel Medina of the Movimiento Puertorriqueño Pro-Estadidad, Inc.; Isabel Rosado-Morales of Vecinos de la Base Roosevelt Roads en la Bahía de Ensenada Honda en Ceiba; and Jan Susler of the National Lawyers Guild (see A/AC.109/PV.1342).

74. At the 1343rd meeting, statements were made by Efrain E. Rivera of Puertorriqueños en Acción Ciudadana; Carlos Vizcarrondo Irizarry of Pro Estado Libre Asociado/Juventud Autonomista Puertorriqueña; Carlos Gallisá of the Partido Socialista Puertorriqueño; Antonio Rivera of the Comité Unitario contra la Represión y por la Defensa de los Presos Políticos/Comité Especial de Apoyo y Defensa de los Prisioneros de Guerra Independentistas Puertorriqueños/Comité Pro Defensa de Don Pedro Albizu Campos; Rev. Wilfredo Vélez of the Movimiento Ecuménico Nacional de Puerto Rico; Richard J. Harvey of the International Association of Democratic Lawyers; James P. Cullen of the Brehon Law Society; Paquita Pesquera Cantellops of the Asociación Puertorriqueña de Profesores Universitarios; Aurelio Roque Delgado of Gran Logia Nacional de Puerto Rico; and Héctor Rafael Vega of the Movimiento Puertorriqueño Pro-Estadidad, Inc. (see A/AC.109/PV.1343).

75. At the 1344th meeting, statements were made by Ramón L. Orengo of the Comisión de Profesionales Pro-Estadidad; Josefina Rodríguez of the Movimiento de Liberación Nacional Puertorriqueño; Héctor Lugo-Bougal of the Colegio de Abogados de Puerto Rico; Juan Mari Bras of the Comité Puertorriqueño en las Naciones Unidas; Fernando Martín of the Partido Independentista Puertorriqueño; Antonio José Herrera, Member of the Congress of Venezuela and Consejo de Político Exterior; Pompeyo Marquez, Second Vice-President, Senate of Venezuela/Movimiento al Socialismo/Comité Permanente de Partidos Políticos de América Latina; Manuel F. O'Neill of the National Congress for Puerto Rican Rights/Rainbow Coalition of Vermont; Alexis Massol González of the Taller de Arte y Cultura; and Don Rojas of the Executive Committee Maurice Bishop Patriotic Movement (see A/AC.109/PV.1344).

76. Statements in connection with the hearings were made, at the 1342nd meeting, on 15 August 1988, by the representatives of Venezuela and Chile (A/AC.109/PV.1342) and at the 1343rd meeting, on the same day, by the representative of Iraq (A/AC.109/PV.1343).

77. At the meetings indicated, the Committee decided to accede to requests by the following delegations for participation in its consideration of the item: Panama at the 1342nd meeting, on 15 August; Nicaragua and Peru, at the

1344th meeting, on 16 August; and Zimbabwe, at the 1345th meeting, on the same day.

78. At the 1343rd meeting, the representative of Cuba introduced draft resolution A/AC.109/L.1680.

79. At the 1345th meeting, statements were made by the representatives of Cuba, Afghanistan, Czechoslovakia, the Syrian Arab Republic, the Union of Soviet Socialist Republics, Panama, Nicaragua, Peru and Zimbabwe, as well as by the observers of the South West Africa People's Organization and the African National Congress of South Africa (A/AC.109/PV.1345).

80. At the same meeting, following statements by the representatives of Chile and Norway (A/AC.109/PV.1345), the Special Committee adopted draft resolution A/AC.109/L.1680 by 9 votes to 2, with 11 abstentions. Statements were made by the representatives of Venezuela and Côte d'Ivoire (A/AC.109/PV.1345).

81. The text of the resolution (A/AC.109/973) adopted by the Special Committee at its 1345th meeting, on 16 August 1988, is reproduced below:

"*The Special Committee*,

"*Recalling* the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960,

"*Having examined* the report of the Rapporteur of the Special Committee on the implementation of the resolutions concerning Puerto Rico,

"*Recalling* the resolutions and decisions of the Special Committee concerning Puerto Rico and, in particular, the resolutions adopted in August 1984, 1985, 1986 and 1987,

"*Conscious* of the growing importance for the peoples and nations of Latin America of affirming their unity and cultural identity,

"*Recognizing* the clearly Latin American character and identity of the people and culture of Puerto Rico,

"*Noting* the widespread concern about the revelations, confirmed by judicial decisions and by statements of the current Administration of the Territory, that for decades there has been a systematic practice of discrimination and official persecution directed against tens of thousands of Puerto Ricans who support independence, in flagrant violation of their civil and political rights,

"*Bearing in mind* the declarations concerning Puerto Rico adopted by the Movement of Non-Aligned Countries at its Eighth Conference of Heads of State or Government, held at Harare from 1 to 6 September 1986, and at the Special Ministerial Meeting of its Coordinating Bureau on Latin America and the Caribbean, held at Georgetown from 9 to 12 March 1987,

"*Having listened* to the statements of the representatives of the various trends of Puerto Rican public opinion, of the social and cultural organizations of Puerto Rico and of the representatives of political parties, social organizations and eminent Latin Americans,

"1. *Reaffirms* the inalienable right of the people of Puerto Rico to self-determination and independence, in conformity with General Assembly resolution 1514 (XV), and the full applicability of the fundamental principles of that resolution with respect to Puerto Rico;

"2. *Expresses its hope*, and that of the international community, that the people of Puerto Rico may exercise without hindrance its right to self-determination, with the express recognition of the people's sovereignty and full political equality, in conformity with paragraph 5 of General Assembly resolution 1514 (XV);

"3. *Requests* the Rapporteur to present a report to the Special Committee on the implementation of its resolutions concerning Puerto Rico;

"4. *Decides* to keep the question of Puerto Rico under continuing review."

82. On 17 August, the text of the resolution was transmitted to the Permanent Representative of the United States of America to the United Nations for the attention of his Government.

5. Special Committee decision of 16 August 1988 concerning Puerto Rico (1989 session)

83. At its 1346th meeting, on 9 February 1989, by adopting the suggestions put forward by the Chairman relating to the organization of the Committee's work (A/AC.109/L.1682), the Special Committee decided, *inter alia*, to take up separately an item entitled "Special Committee decision of 16 August 1988 concerning Puerto Rico" and to consider it at plenary meetings.

84. The Special Committee considered the item at its 1356th to 1359th meetings, on 16 and 17 August.

85. At the 1356th meeting, on 16 August, the Chairman drew attention to the report of the Rapporteur (A/AC.109/L.1703).

86. At the 1356th and 1357th meetings, on 16 August, the Chairman drew attention to a number of communications received from organizations expressing the wish to be heard by the Special Committee in connection with its consideration of the item. The Committee agreed to accede to those requests and heard the representatives of the organizations concerned.

87. At the 1356th meeting, statements were made by Nora L. Rodríguez Matías of the Colegio de Abogados de Puerto Rico; José Milton Soltero of the Comité Puertorriqueño en las Naciones Unidas; Marie Elaine Aloise de Hernández of the Comité Cagueño Pro-Estadidad; Manuel Medina Delgado of the Comisión de Asesoría Legal; María Rivas of Mujeres Educadoras; Marcelino Ferrer of the Junta Local de Educación; Juan Carlos Lizardi of Jóvenes Estadistas; David Hernández Torres of the Comisión Educativa Plebiscitaria; Ismael Figueroa of the Grupo "Entrada de los Americanos"; Edwin Martínez of Puertorriqueños Pro-Estadidad; and Alan McAbee of Juventud Estadista '92 (see A/AC.109/PV.1356).

88. At the 1357th meeting, statements were made by Ramsey Clark of the International League for the Rights and Liberation of Peoples; Awilda Palau of the Comité Puertorriqueño de Intelectuales por la Soberanía de los Pueblos de Nuestra América; Edwin Vargas of the National Congress for Puerto Rican Rights; Aida Negrón Vda. de Montilla of the Instituto de Estudios de la Problemática Puertorriqueña; Efraín E. Rivera Pérez of Statehooders in Action; Olaguibeet A. López-Pacheco, Supremo Consejo del Grado 33, Puerto Rico; Conchita Rinaldi of the Respetable Logia Femenina Julia de Burgos; Nancy Alisberg of the National Lawyers Guild; Pedro J. Rosselló of the Partido Nuevo Progresista; and Miguel González of the Vanguardia Estadista (see A/AC.109/PV.1357).

89. At the 1358th meeting, statements were made by Richard J. Harvey of the International Association of Democratic Lawyers; Moisés Méndez López of the Federación de Universitarios Pro Independencia; Abraham López of the Organización Continental Latinoamericana de Estudiantes; Erasto Zayas of Gran Oriente Interamericano de Puerto Rico; Carlos Paraliticci of Gran Oriente Nacional de Puerto Rico; Jacinto Rivera Pérez of the Partido Nacionalista de Puerto Rico; Carlos Vizcarrondo Irizarry of Pro-Estado Libre Asociado; Elsie Valdés Ramos of Unidos ante la Incertuidumbre del Status; Juan Soto Valentín of Maestros Pro Estadidad; Ramón Rivera López of the Comité Hatillano al Servicio del Pueblo; Carlos Quirós Méndez of the Frente Anti-Electoral/Movimiento Albizuista Revolucionario; Rafael Soltero Peralta of Asociación Puertorriqueña de Profesores Universitarios; Eligio González Castro of the Liberty Council/Movimiento Albizuista Cristiano Revolucionario y Nacionalista; Ramón Rivera García of Grupo Acción Comunitaria Peñolana; Narciso Rabell-Martínez of the Partido Comunista Puertorriqueño; Juan Mari Brás of the Causa Común Independentista; Carlos Gallisá of the Partido Socialista Puertorriqueño; Juan Manuel Delgado of the Comité Anti Plebiscito; Rita Mercedes Córdova of the National Committee to Free Puerto Rican Prisoners of War and Political Prisoners; Rafael Cancel Miranda of the Puerto Rican Revolutionary Workers' Party; Jorge Luis Landing Miranda of the Gran Logia Nacional de Puerto Rico; José Antonio Ramos of the Movimiento Ecuménico de Puerto Rico; and Luisa Acevedo of the Concilio General de Trabajadores/Comité de Organizaciones Sindicales (see A/AC.109/PV.1358).

90. At the 1359th meeting, statements were made by Carlos Caneche of the Mata Partido Acción Democrática; Freddy Muñoz of the Movimiento al Socialismo; Gustavo Tarre of the Comisión Político Electoral Independiente; Daniel Ramos of the Puerto Rican Parade Committee of Chicago; Carmelo Felix Matta of the Gran Consejo Viequense/Movimiento por Monte Carmelo; Josefina Rodríguez of the Movimiento de Liberación Nacional Puertorriqueño; José Luis León Ortiz of the Comité Unitario Contra la Represión y por la Defensa de los Presos Políticos; James Harris of the Socialist Workers Party; George Murphy of Puertorriqueños en Acción Ciudadana; Linda Backiel of the Center for Constitutional Rights; Isabel Rosado Morales of Vecinos de la Base Roosevelt Roads en Ceiba; Cody McCone of the Brehon Law Society; and Daniel Delgado Ramos of the Asociación de Ingenieros Estadistas (see A/AC.109/PV.1359).

91. At the meetings indicated, the Committee decided to accede to requests by the following delegations for participation in its consideration of the item: Nicaragua, at the 1356th meeting, on 16 August; and Panama, at the 1358th meeting, on 17 August; as well as the observer of Palestine, at the 1357th meeting, on 16 August; and the observer of the African National Congress of South Africa, at the 1359th meeting, on 17 August.

92. At the 1359th meeting, on 17 August, the representative of Cuba, in the course of his statement, introduced draft resolution A/AC.109/L.1714 (see A/AC.109/PV. 1359).

93. At the same meeting, statements were made by the representatives of Afghanistan, Czechoslovakia, the Syrian Arab Republic, the Union of Soviet Socialist Republics, Nicaragua and Panama, as well as by the observers of Palestine and the African National Congress of South Africa (see A/AC.109/PV. 1359).

94. Also at the same meeting, following statements by the representatives of Norway and Venezuela (see A/AC.109/PV.1359), the Special Committee adopted draft resolution A/AC.109/L.1714, by a vote of 9 to 2, with 11 abstentions.

95. The text of the resolution (A/AC.109/1013) adopted by the Special Committee at its 1359th meeting, on 17 August 1988, is reproduced below.

"*The Special Committee*,

"*Recalling* the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960,

"*Bearing in mind* General Assembly resolution 43/47 of 22 November 1988,

"*Having examined* the report of the Rapporteur of the Special Committee on the implementation of the resolutions concerning Puerto Rico,

"*Recalling* the resolutions and decisions of the Special Committee concerning Puerto Rico and, in particular, the resolutions adopted in August 1984, 1985, 1986, 1987 and 1988,

"*Conscious* of the growing importance for the peoples and nations of Latin America of affirming their unity and national identity,

"*Recognizing* the clearly Latin American character and identity of the people and culture of Puerto Rico,

"*Having heard* statements and testimony representative of various viewpoints among the people of Puerto Rico and its social institutions,

"*Bearing in mind* the declarations concerning Puerto Rico adopted by the Movement of Non-Aligned Countries, particularly those formulated by the Ministerial Meeting of its Coordinating Bureau held at Harare from 17 to 19 May 1989,

"*Bearing in mind also* the process under way in the Congress of the United States of America which may result in the adoption of legislation leading to the holding of some form of consultations among the people of Puerto Rico regarding its political future,

"1. *Reaffirms* the inalienable right of the people of Puerto Rico to self-determination and independence, in conformity with General Assembly resolution 1514 (XV), and the full applicability of the fundamental principles of that resolution with respect to Puerto Rico;

"2. *Expresses its hope*, and that of the international community, that in any consultations the people of Puerto Rico may exercise without hindrance its right to self-determination and independence, with the express recognition of the people's sovereignty and full political equality, in conformity with paragraph 5 of General Assembly resolution 1514 (XV);

"3. *Requests* the Rapporteur to present a report to the Special Committee on the implementation of its resolutions concerning Puerto Rico;

"4. *Decides* to keep the question of Puerto Rico under continuing review."

96. On 24 August, the text of the resolution was transmitted to the Permanent Representative of the United States of America to the United Nations for the attention of his Government.

6. Special Committee decision of 17 August 1989 concerning Puerto Rico (1990 session)

97. The Special Committee, at its 1362nd meeting on 22 January 1990, by adopting the suggestions put forward by the Chairman relating to the organization of the Committee's work (A/AC.109/L.1718), decided, *inter alia*, to take up separately an item entitled "Special Committee decision of 17 August 1989 concerning Puerto Rico" and to consider it at plenary meetings.

98. The Special Committee considered the item at its 1370th to 1373rd meetings, on 14 and 15 August.

99. At the 1370th meeting, the Chairman drew attention to the report of the Rapporteur (A/AC.109/L.1746).

100. At the 1370th to 1372nd meetings, the Chairman drew attention to a number of communications received from organizations expressing the wish to be heard by the Special Committee in connection with its consideration of the item. The Committee agreed to accede to those requests and heard the representatives of the organizations concerned.

101. At the 1370th meeting, statements were made by Nora L. Rodríguez Matías of the Colegio de Abogados de Puerto

Rico; Marie Elaine Aloise de Hernández of the Comité Cagueño Pro-Estadidad; Fernando Martín García of the Partido Independentista Puertorriqueño; Carlos Gallisá of the Partido Socialista Puertorriqueño; Carlos Vizcarrondo Irizarry, of the Pro Estado Libre Asociado; Michael E. Deutsch of the National Lawyers Guild; Conchita Rinaldi de Soltero on behalf of Respetable Logia Femenina Julia de Burgos; José Milton Soltero on behalf of the Comité Puertorriqueño en las Naciones Unidas; Rev. Héctor Soto Vélez of the Movimiento Ecuménico Nacional de Puerto Rico; and Juan Manuel Delgado of the Comité Anti Plebiscito (see A/AC.109/PV.1370).

102. At the 1371st meeting, statements were made by Zaida Hernández Torres on behalf of the Partido Nuevo Progresista; Olaguibeet A. López-Pacheco, Supremo Consejo del Grado 33, Puerto Rico, Inc.; Rafael Soltero Peralta of the Gran Logia Nacional de Puerto Rico; Pablo Marcono-García on behalf of Comité Unitario Contra la Represión y por la Defensa de los Presos Políticos; Awilda Palau of the Comité Puertorriqueño de Intelectuales and the Comité Puertorriqueño de Reafirmación del Idioma Español; J. A. González-González on behalf of the Fundación Andrés Figueroa Cordero, Inc.; Luis Nieves Falcón on behalf of the International League for the Rights and Liberation of Peoples; Luis Amauri Suárez Zayas of the Comité de Organizaciones Sindicales; Filiberto Ojeda Ríos of the Ejercito Popular Boricua; Yamil Misla of the Congreso Puertorriqueño de Naciones Unidas, Inc.; Dora García on behalf of the National Committee to Free Puerto Rican Prisoners of War and Political Prisoners; Paquita Pesquera on behalf of the Asociación Puertorriqueña de Profesores Universitarios; and Rosa Meneseson on behalf of Partido Nacionalista de Puerto Rico (see A/AC.109/PV.1371).

103. At the 1372nd meeting, statements were made by Alexis Massol González of the Taller de Arte y Cultura Adjuntas and Centro Cultural de Adjuntas; Eligio González Castro of the Liberty Council and on behalf of Movimiento Albizuista Nacionalista; Linda Backiel on behalf of the Center for Constitutional Rights; Carlos Quirós Méndez on behalf of the Comité Timón Pro-Frente Socialista Contra el Plebiscito; Gloria Arjona of the Instituto de Libre Enseñanza; Juan Mari Bras on behalf of Causa Comun Independentista; Selva Nebbia on behalf of the Socialist Workers Party; Erasto Zayas Núñez of Gran Oriente Interamericano de Puerto Rico; Manuel de J. Feliciano of Gran Oriente Nacional de Puerto Rico; Elsie Valdés of Puertorriqueños Pro-Estadidad, Inc.; Freddy Vélez García of the Centro de Estudios Estadistas; Juan C. Lizardi of Juventud Estadista no Partidista; José Manuel Torres Santiago of the Comité Pedro Albizu Campos; Lydia Ponce Morán of Puertorriqueños Pro-Estadidad de Vega Baja; and Agustín Laó of the Instituto de Derechos Humanos de Puerto Rico (see A/AC.109/PV.1372).

104. At the 1373rd meeting, statements were made by Richard J. Harvey of the International Association of Democratic Lawyers; and Christopher E. Henry of the Brehon Law Society.

105. At the 1372nd meeting, on 15 August, the Chairman drew attention to a draft resolution submitted by Venezuela (A/AC.109/L.1747).

106. At the 1373rd meeting, also on 15 August, the representative of Venezuela, in the course of his statement, introduced draft resolution A/AC.109/L.1747 (A/AC.109/PV.1373).

107. At the same meeting, statements were made by the representatives of Cuba and the Syrian Arab Republic (A/AC.109/PV.1373).

108. Also at the same meeting, following statements by the representatives of Norway, Chile and Czechoslovakia (A/AC.109/PV.1373), the Special Committee adopted draft resolution A/AC.109/L.1747 by a vote of 8 to 1, with 12 abstentions.

109. The text of the resolution (A/AC.109/1051) adopted by the Special Committee at its 1373rd meeting, on 15 August 1990, is reproduced below:

> "*The Special Committee*,
>
> "*Recalling* the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960, and the resolutions and decisions of the Special Committee concerning Puerto Rico,
>
> "*Having examined* the report of the Rapporteur of the Special Committee on the implementation of the resolutions concerning Puerto Rico,
>
> "*Having heard* statements and testimony representative of various viewpoints among the people of Puerto Rico and their social institutions,
>
> "*Bearing in mind* the agreement of the Puerto Rican political leadership to request the President of the United States of America and the United States Congress to adopt legislation with a view to consulting the people of Puerto Rico so that they may express themselves freely, voluntarily and Democratically on their political future,

"*Also bearing in mind* that the United States Congress is initiating a legislative process, with the participation of the main political parties of Puerto Rico, with a view to facilitating consultations with the people of Puerto Rico on their political future, but that so far no law has been adopted in this respect,

"*Aware* of the appeal made by the President of the United States of America, Mr. George Bush, to the Congress that it take the necessary steps to allow the people of Puerto Rico to reach a decision through a referendum,

"1. *Reaffirms* the inalienable right of the people of Puerto Rico to self-determination and independence, in conformity with General Assembly resolution 1514 (XV), and the applicability of the fundamental principles of that resolution with respect to Puerto Rico;

"2. *Expresses its hope*, and that of the international community, that, in accordance with the best interests of the people of Puerto Rico, the dialogue should continue and that legal measures should be adopted which will bring to a successful conclusion, as soon as possible, a process leading to the self-determination of the Puerto Rican people;

"3. *Exhorts* all the interested parties to cooperate so that the people of Puerto Rico may exercise without hindrance their right to self-determination with the express recognition of the people's sovereignty and full political equality, in conformity with the doctrine and practice of the United Nations;

"4. *Requests* the Rapporteur to report to the Special Committee on the implementation of its resolutions concerning Puerto Rico;

"5. *Decides* to keep the question of Puerto Rico under continuing review."

110. On 24 August, the text of the resolution was transmitted to the Permanent Representative of the United States of America to the United Nations for the attention of his Government.

7. Special Committee decision of 15 August 1990 concerning Puerto Rico (1991 session)

111. At its 1377th meeting, on 21 February 1991, by adopting the suggestions put forward by the Chairman relating to the organization of the Committee's work (A/AC.109/L.1755), the Special Committee decided, *inter alia*, to consider at its plenary meetings, as appropriate, the item entitled "Special Committee decision of 15 August 1990 concerning Puerto Rico".

112. The Special Committee considered the item at its 1389th to 1392nd, 1394th and 1395th meetings, between 12 and 15 August.

113. At the 1389th meeting, on 12 August, the Acting Chairman drew attention to the report of the Rapporteur (A/AC.109/L.1768).

114. At the 1389th and 1390th meetings, the Acting Chairman drew attention to a number of communications received from organizations expressing the wish to be heard by the Special Committee in connection with its consideration of the item. The Committee agreed to accede to those requests and heard the representatives of the organizations concerned.

115. At the 1389th meeting, statements were made by José Sagardía Pérez of the Colegio de Abogados de Puerto Rico; Marie Elaine Aloise of the Comité Cagueño Pro-Estadidad; Olaguibeet A. López-Pacheco of the Supremo Consejo del Grado 33, Puerto Rico, Inc.; Ivedith Irizarry of the Respetable Logia Femenina Julia de Burgos; Fernando Martín García of the Partido Independentista Puertorriqueño; José Milton Soltero Rodríguez on behalf of Comité Puertorriqueño en las Naciones Unidas; Juan Mari Brás of the Causa Común Independentista; Carlos Gallisá of Partido Socialista Puertorriqueño; Bill Felice of the International League for the Rights and Liberation of Peoples; Linda Backiel on behalf of the Center for Constitutional Rights; Ronald Fernandez of Justice for Puerto Rico; John F. Alleman of Option Independence; Rafael Soltero Peralta on behalf of Gran Logia Nacional de Puerto Rico; and Freddy Vélez-García of the Center for Statehood Studies (see A/AC.109/PV.1389).

116. At the 1390th meeting, statements were made by Pedro Rosselló on behalf of the Partido Nuevo Progresista; Luis Nieves Falcón of Ofensiva '92; Laura Albizu Campos Meneses of the Partido Nationalista de Puerto Rico; Kenneth D. McClintock of Democrats for Statehood; J. A. González-González on behalf of Fundación Andrés Figueroa Cordero, Inc.; Rafael Cancel Miranda on behalf of Comité Unitario Contra la Represión y por la Defensa de los Presos Políticos; Zaida "Cucusa" Hernández of the Partido Nuevo Progresista; Oreste Ramos of the Organización Estadistas de San Juan; Rolando A. Silva of the Estado Libre Asociado de Puerto Rico; William Kunstler on behalf of the National Lawyers Guild; Jeanne E. Bishop on behalf of the Brehon Law Society; Guillermo Zúñiga López of the Consejo de Estudiantes, Universidad de Puerto Rico; Dwight Rodríguez

Orta on behalf of Comité de Organizaciones Sindicales; Efraín E. Rivera Pérez of Statehooders in Action; Victor Caballero on behalf of the Grupo Federalistas de Empleados y Veteranos del Area Suroeste; Linda González Bonilla of En Pro de la Estadidad para la Isla; and Rev. S. Michael Yasutake of the Prisoners of Conscience Project (see A/AC.109/PV.1390).

117. At the 1391st meeting, statements were made by Alberto Navarro Suarez on behalf of Juventud en pro de la Definición del Status (Jóvenes Pro Estadidad); Marco Antonio Rigau of the Comisión de lo Jurídico; Luis Vega Ramos of Juventud Autonomista; Carlos Vizcarrondo Irizarry of the Pro Estado Libre Asociado; Sonia I. Rivera of the Movimiento de Liberación Nacional Puertorriqueño; Juan Manuel Delgado of the Comité Anti Plebiscito de Puerto Rico; Elsie Valdés Ramos of Puertorriqueños Pro-Estadidad, Inc.; Gloria Viera of Las Mujeres Estadistas de las Ramasdel Programa de Salud; Luis V. Gutierrez of the City of Chicago City Council; Celina Romany of the American Association of Jurists; Miguel Cardona of Comerciantes Fajardeños; Josefina Rodríguez on behalf of the National Committee to Free Puerto Rican Prisoners of War and Political Prisoners; Hipolito Robles Suarez on behalf of the Grupo Ex-Empleados Públicos en Pro del Plebiscito; Steve Clark of the Socialist Workers Party; Rev. Annie González of the Northlake United Methodist Church; Billy Ocasio of the Conference on the Puerto Rican Colonial Reality; Alexandro Torres Rivera on behalf of the Gran Oriente Interamericano de Puerto Rico; and Carlos Pinheiro of the Comité de Afirmación Puertorriqueña (see A/AC.109/PV.1391).

118. At the 1392nd meeting, statements were made by Abel Nazario of the Movimiento de Juventud; Carlos Canache Mata of the Partido Acción Democrática; Freddy Muñoz of the Movimiento al Socialismo; Gustavo Tarre Briceño of the Comisión Política Electoral Independiente; Dhoruba Bin Wahad on behalf of the Campaign to Free Black Political Prisoners and Prisoners of War in the United States; and Richard Harvey of the International Association of Democratic Lawyers (see A/AC.109/PV.1392).

119. At the 1390th meeting, on 12 August, the representative of Venezuela, in the course of his statement (see A/AC.109/PV.1390), introduced draft resolution A/AC.109/L.1769.

120. At the 1395th meeting, following statements by the representatives of Norway, Czechoslovakia and Papua New Guinea (see A/AC.109/PV.1395), the Special Committee adopted draft resolution A/AC.109/L.1769/Rev.1, as orally revised, by 9 votes to 1, with 10 abstentions. Further statements were made by the representatives of Chile and Cuba (see A/AC.109/PV.1395).

121. The text of the resolution (A/AC.109/1088) adopted by the Special Committee at its 1395th meeting, on 15 August 1991, is reproduced below:

"*The Special Committee*,

"*Recalling* the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960 and the resolutions and decisions of the Special Committee concerning Puerto Rico,

"*Having examined* the report of the Rapporteur of the Special Committee on the implementation of the resolutions concerning Puerto Rico,

"*Having heard* statements and testimony representative of various viewpoints among the people of Puerto Rico and their social institutions,

"*Bearing in mind* the agreement of the Puerto Rican political leadership to request the President of the United States of America and the United States Congress to adopt legislation with a view to consulting the people of Puerto Rico so that they may express themselves freely, voluntarily, Democratically and without interference on their political future,

"*Aware* of the appeal made by the President of the United States of America, Mr. George Bush, to the Congress that it should take the necessary steps to allow the people of Puerto Rico to exercise as soon as possible their right to self-determination,

"*Deploring* the fact that the United States Congress has not yet adopted the legal framework for the holding of a referendum to enable the people of Puerto Rico to determine their political future through the exercise of their right to self-determination,

"*Recognizing* that the Legislative Assembly and the Governor of Puerto Rico, in the exercise of their powers, have approved legislation declaring Spanish to be the official language,

"*Hoping* that the international community will continue to afford Puerto Rico the opportunity to participate in those international activities which correspond to its political status,

"1. *Reaffirms* the inalienable right of the people of Puerto Rico to self-determination and independence, in conformity with General Assembly

resolution 1514 (XV) of 14 December 1960, and the application of the fundamental principles of that resolution with respect to Puerto Rico;

"2. *Trusts* that the United States Congress will adopt as soon as possible the legal framework to enable the people of Puerto Rico to exercise their right to self-determination, through popular consultations, in accordance with the principles and practice of the United Nations;

"3. *Requests* the Rapporteur to report to the Special Committee on the implementation of its resolutions concerning Puerto Rico;

"4. *Decides* to keep the question of Puerto Rico under continuing review."

122. On 22 August, the text of the resolution was transmitted to the Permanent Representative of the United States of America to the United Nations for the attention of his Government.

8. Special Committee decision of 15 August 1991 concerning Puerto Rico (1992 session)

123. At its 1398th meeting, on 5 February 1992, by adopting the suggestions put forward by the Chairman relating to the organization of the Committee's work (A/AC.109/L.1775), the Special Committee decided, *inter alia*, to take up as appropriate an item entitled "Special Committee decision of 15 August 1991 concerning Puerto Rico" and to consider it at plenary meetings.

124. At its 1401st meeting, on 1 June, however, by adopting the report of the Open-ended Working Group (A/AC.109/L.1776), the Special Committee endorsed the Working Group's recommendation that the Committee defer consideration of the above item until 1993 and its suggestion that requests for hearings be given due consideration by the Committee on the basis of its usual practice.

125. At the 1409th meeting, on 30 July, the Chairman drew attention to the report of the Rapporteur (A/AC.109/L.1788) on the item.

126. At the 1406th, 1407th and 1409th meetings, between 28 and 30 July, the Chairman drew attention to a number of communications received from organizations expressing the wish to be heard on Puerto Rico by the Special Committee. On the basis of the decision it had taken at its 1401st meeting, the Committee agreed to accede to those requests and heard the representatives of the organizations concerned.

127. At the 1409th meeting, on 30 July, statements were made by José Sagardía Pérez of the Colegio de Abogados de Puerto Rico; Brunilda Ferrer Silva on behalf of Respetable Logia Femenina Julia de Burgos; Marie Elaine Aloise of the Comité Cagueño Pro-Estadidad; Fernando Martín García of the Partido Independentista Puertorriqueño; Mariane Múniz on behalf of Ciudadanos Estadistas Pro-Estado 51; Michael Deutsch on behalf of Ofensiva '92; Maria Lizardi on behalf of the United Statehooders Organization; Olaguibeet A. López-Pacheco of the Supremo Consejo del Grado 33, Puerto Rico, Inc.; Linda Backiel on behalf of the Center for Constitutional Rights/Instituto Puertorriqueño de Derechos Civiles; Minerva González on behalf of the Comité de Afirmación Puertorriqueña; Ronald Fernandez of Justice for Puerto Rico; J. A. González-González on behalf of Fundación Andrés Figueroa Cordero, Inc.; Carlos Gallisá of the Partido Socialista Puertorriqueño; and René Torres Platet on behalf of Gran Oriente Interamericano de Puerto Rico (see A/AC.109/PV.1409).

128. At the 1410th meeting, on 31 July, statements were made by Martin Koppel of the Socialist Workers Party; Elsie Valdés Ramos of Unidos ante la Incertidumbre del Status; Gloria Ortiz Viera of Puertorriqueños Pro-Estadidad, Inc.; Ana M. Lopez of the National Committee to Free Puerto Rican Prisoners of War and Political Prisoners; and Rafael Soltero Peralta of the Gran Logia Nacional de Puerto Rico.

9. Special Committee decision of 15 August 1991 concerning Puerto Rico (1993 session)

129. At its 1412th meeting, on 10 February 1993, by adopting the suggestions put forward by the Chairman relating to the organization of the Committee's work (A/AC.109/L.1794), the Special Committee decided, *inter alia*, to take up as appropriate an item entitled "Special Committee decision of 15 August 1991 concerning Puerto Rico" and to consider it at plenary meetings.

130. At its 1414th meeting, on 28 May, however, by adopting the report of the Open-ended Working Group (A/AC.109/L.1795), the Special Committee endorsed the Working Group's recommendation that the Committee defer consideration of the above item until 1994 and its suggestion that requests for hearings be given due consideration by the Committee on the basis of its unusual practice.

131. At the 1422nd and 1423rd meetings, on 15 July, the Chairman drew attention to a number of communications received from organizations expressing the wish to be heard on Puerto Rico by the Special Committee. On the basis of the decision it had taken at its 1414th meeting, the Committee agreed to accede to those requests and heard the representatives of the organizations concerned.

132. At the 1422nd meeting, statements were made by Baltasar Corrada del Río, Secretary of State, on behalf of Pedro J. Rosselló, Governor of Puerto Rico; Carlos Noriega Rodríguez of the Colegio de Abogados de Puerto Rico; Miriam Ramírez de Ferrer of Puerto Ricans in Civic Action; Alejandro Torres Rivera of Gran Oriente Interamericano de Puerto Rico; Sonia Iris Rivera of the Movimiento de Liberación Nacional Puertorriqueño; Juan Mari Brás of Causa Común Independentista; Carlos Gallisá of the Partido Socialista Puertorriqueño; Fernando J. Martín of the Partido Independentista Puertorriqueño; and José Milton Soltero on behalf of Comité Puertorriqueño en las Naciones Unidas (see A/AC.109/PV.1422).

133. At the 1423rd meeting, statements were made by Lucy Varcarcel of the Committee for Puerto Rican Affirmation; Ronald Fernandez of Justice for Puerto Rico; José Luis Morín of the Center for Constitutional Rights; Javier A. Nieves, Assemblyman, 51st District, Kings County, New York; Francisco Velgara of the United States/Puerto Rico Solidarity Network; Benito Torres of the Colectivo Independentista Puertorriqueño del area de Washington; Gilberto Gerena-Valentin on behalf of the Partido Nacionalista de Puerto Rico; Ana M. López of the National Committee to Free Puerto Rican Prisoners of War; Alvin D. Gonzalez of Young Lords, Inc.; and Milagros Sotomayor of the Last Straw.

134. At the 1424th meeting, statements were made by Michael E. Deutsch of the National Lawyers Guild; Luis Nieves Falcon of Ofensiva '92; Rev. Annie González of the Northlake United Methodist Church; Evelyn Rodríguez of the Family Committee of Puerto Rican Prisoners of War and Political Prisoners; Elsie Valdés of Puertorriqueñas Pro-Estadidad, Inc./Estadistas ante las Naciones Unidas; Leonilda Calderón of the Union for Puerto Rican Students; Roger S. Wareham of the December 12th Movement; Rev. Luis Barrios of St. Ann's Church of Morrisania; Rita Cordova on behalf of Comité Unitario Contra la Represión y por la Defensa de los Presos Políticos; Rev. S. Michael Yasutake of Interfaith Prisoners of Conscience Project; and Ivedith Irizarry, Respetable Logia Femenina Julia de Burgos.

10. Special Committee decision of 15 August 1991 concerning Puerto Rico (1994 session)

135. At its 1429th meeting, on 15 February 1994, by adopting the suggestions put forward by the Chairman relating to the organization of the Committee's work (A/AC.109/L.1811), the Special Committee decided, *inter alia*, to take up as appropriate an item entitled "Special Committee decision of 15 August 1991 concerning Puerto Rico" and to consider it at plenary meetings.

136. At its 1432nd meeting, on 11 July, on the proposal of the Expanded Bureau, the Committee decided to extend the postponement of the above item until 1995 and to give due consideration to the requests for hearing on the basis of its usual practice.

137. At the 1437th and 1438th meetings, on 14 July, the Chairman drew attention to a number of communications received from organizations expressing the wish to be heard on Puerto Rico by the Special Committee. On the basis of the decision it had taken at its 1432nd meeting, the Committee agreed to accede to those requests and heard the representatives of the organizations concerned.

138. At the 1437th meeting, statements were made by Carlos Noriega Rodriguez of the Colegio de Abogados de Puerto Rico; Fernando Martín of the Partido Independentista Puertorriqueño; Ronald Fernández of Justice for Puerto Rico; and Gilma Gloria Camargo on behalf of the National Lawyers Guild (see A/AC.109/PV.1437).

139. At the 1438th meeting, statements were made by Noel Colon Martínez of the Congreso Nacional Hostosiano; Matthew J. Chachere on behalf of the Instituto Puertorriqueño de Derechos Civiles and the Center for Constitutional Rights; Lourdes Lugo López of the National Committee to Free Puerto Rican Prisoners of War and Political Prisoners; Margarita Mergal of Ofensiva '92; Magdalena Cortes Acevedo of the Family Committee of Puerto Rican Political Prisoners; Valentín Soto, Comité de Afirmación Puertorriqueña; and Julio A. Muriente Pérez on behalf of Nuevo Movimiento Independentista Puertorriqueño (see A/AC.109/PV.1438).

11. Special Committee decision of 15 August 1991 concerning Puerto Rico (1995 session)

140. At its 1441st meeting, on 27 February 1995, by adopting the suggestions put forward by the Chairman relating to the organization of the Committee's work (A/AC.109/L.1828), the Special Committee decided, *inter alia*, to take up as appropriate an item entitled "Special Committee decision of 15 August 1991 concerning Puerto Rico" and to consider it at plenary meetings.

141. At its 1442nd meeting, on 10 July, on the proposal of the Expanded Bureau, the Special Committee decided to extend the postponement of the above item until 1996 and to give due consideration to the requests for hearing on the basis of its usual practice.

142. At the 1447th meeting, on 13 July, the Chairman drew attention to a number of communications received from organizations expressing the wish to be heard on Puerto Rico by the Special Committee. On the basis of the decision it had taken at its 1442nd meeting, the Special Committee agreed to accede to those requests and, at the 1447th meeting, heard the representatives of the organizations concerned.

143. At the 1447th meeting, statements were made by Harry Anduze Montaño of the Colegio de Abogados de Puerto Rico; Noel Colón Martinez on behalf of the Comisión Presidencial/Congreso Nacional Hostosiano; Eunice Santana Melecio on behalf of the Nuevo Movimiento Independentista Puertorriqueño; Ana M. López on behalf of the National Committee to Free Puerto Rican Prisoners of War and Political Prisoners; Fernando Martín on behalf of the Partido Independentista Puertorriqueño; and Jennifer Green, on behalf of the Center for Constitutional Rights (see A/AC.109/PV.1447).

12. Special Committee decision of 15 August 1991 concerning Puerto Rico (1996 session)

144. At its 1454th meeting, on 16 February 1996, by adopting the suggestions put forward by the Chairman relating to the organization of the Committee's work (A/AC.109/L.1841), the Special Committee decided to take up as appropriate an item entitled "Special Committee decision of 15 August 1991 concerning Puerto Rico" and to consider it in plenary meetings.

145. At its 1461st meeting, on 24 July, on the proposal of the Bureau, the Special Committee decided to extend the postponement of the item until 1997 and to give due consideration to requests for hearing on the basis of its usual practice.

146. At the 1462nd meeting, on 25 July, the Chairman drew attention to a number of communications received from organizations expressing the wish to be heard on Puerto Rico by the Special Committee. On the basis of the decision it had taken at its 1461st meeting, the Committee agreed to accede to those requests and, at the 1462nd and 1463rd meetings, heard the representatives of the organizations concerned.

147. At the 1462nd meeting, statements were made by Juan Mari Brás of the Causa Común Independentista; Noel Colón Martinez of the Congreso Nacional Hostosiano; Fernando Martín of the Partido Independentista Puertorriqueño; Victor Vazquez Hernandez on behalf of the National Congress for Puerto Rican Rights; Julio A. Muriente Perez of the Nuevo Movimiento Independentista Puertorriqueño; Harry Anduze Montano of the Colegio de Abogados de Puerto Rico; Ronald Fernandez of Justice for Puerto Rico; Juan Carlos Lizardi of the Statehood Committee; and Laura Halstead-Garza on behalf of the Socialist Workers Party (see A/AC.109/PV.1462).

148. At its 1463rd meeting, a statement was made by Elsie Valdés of Puertorricans Pro-Statehood, Inc.; and the League of United Latin American Citizens, Southeast Region (see A/AC.109/PV.1463).

13. Special Committee decision of 15 August 1991 concerning Puerto Rico (1997 session)

149. At its 1466th meeting, on 16 February 1997, by adopting the suggestions put forward by the Chairman relating to the organization of the Committee's work (A/AC.109/L.1856), the Special Committee decided to take up as appropriate an item entitled "Special Committee decision of 15 August 1991 concerning Puerto Rico" and to consider it in plenary meetings.

150. At its 1479th meeting, on 19 June, on the proposal of the Open-ended Bureau, the Special Committee decided to give due consideration to requests for hearing on the basis of its usual practice.

151. At the same meeting, the Chairman drew attention to a number of communications received from organizations expressing the wish to be heard on Puerto Rico by the Special Committee. On the basis of the decision taken earlier in the meeting, the Special Committee agreed to accede to those requests and, at the 1479th to 1481st meetings, on 19 and 20 June, heard the representatives of the organizations concerned.

152. At the 1479th meeting, statements were made by Manuel Fermin Arraiza of the Colegio de Abogados de Puerto Rico; Iris B. Alfonso of the National Congress for Puerto Rican Rights; Lolita Lebron on behalf of Partido Nacionalista de Puerto Rico; Fernando Martín-Garcia of the Partido Independentista Puertorriqueño; Maribal Rodriguez on behalf of Comité Puerto Rico 98; Carlos Vizcarrondo Irizarry of the Comisión Autonomista Puertorriqueña; Noel Colón Martínez on behalf of the Congreso Nacional Hostosiano; Anibal Acevedo Vila of the Partido Popular Democrático, and Gilberto Gerena-Valentin on behalf of Puerto Rico on Human Rights (see A/AC.109/PV.1479).

153. At the 1480th meeting, statements were made by Juan A. Robles Ortega of the Federación Central de Trabajores, Pablo Marcano Garcia on behalf of Comité Unitario Contra la Represión y por la Defensa de los Presos Políticos; Rev. S. Michael Yasutake of the Interfaith Prisoners of Conscience Project; Raquel Rivera on behalf of the Puerto Rico Collective; Frank J. Guzman of Latinos y Latinas de

Ambiente; Jose J. Rivera of Estadidad 2000; Elsie Valdes de Lizardi of the League of United Latin American Citizens of Puerto Rico; Juan Carlos Lizardi of Puertorriqueños ante las Naciones Unidas; Miriam Santiago de Crespi of Puertorricans Pro-Statehood, Inc.; Ramon Luis Crespi of the Organization of Professionals Pro-Equal Rights; Diego M. Santiago of the Puerto Rican Initiative to Develop Empowerment; Emilio A. Soler Mari of Acción Democrática Puertorriqueña; Gilma Camargo on behalf of the Center for Constitutional Rights; Josefina Rodriguez of the National Committee to Free Puerto Rican Prisoners of War and Political Prisoners; Rev. Dr. C. Nozomi Ikuta of the United Church Board for Homeland Ministries; and Celso Hernandez Mojica of Ofensiva 92 (see A/AC.109/PV.1480).

154. At the 1481st meeting, a statement was made by Enrique Fernandez on behalf of Luis V. Gutierrez, member of the United States Congress (see A/AC.109/PV.1481).

155. At its same meeting, on the proposal of the Open-ended Bureau, the Special Committee decided to extend the postponement of the item until 1998, pending the outcome of other consultations and subsequent steps that were continuing to be taken at various levels by interested parties.

14. Special Committee decision of 15 August 1991 concerning Puerto Rico (1998 session)

156. At its 1484th meeting, on 6 February 1998, by adopting the suggestions put forward by the Chairman relating to the organization of the Committee's work (A/AC.109/L.1871), the Special Committee decided to take up as appropriate an item entitled "Special Committee decision of 15 August 1991 concerning Puerto Rico" and to consider it in plenary meetings.

157. At its 1497th and 1498th meetings, on 10 and 11 August, the Chairman drew attention to a number of communications received from organizations expressing the wish to be heard on Puerto Rico by the Special Committee. At the same meetings, the Special Committee agreed to accede to those requests and heard representatives of the organizations concerned (see A/AC.109/SR.1497–1498).

158. At the 1497th meeting, statements were made by Manuel Fermin Arraiza of the Colegio de Abogados de Puerto Rico; Rev. Eunice Santana, on behalf of the Commission of the Churches on International Affairs; Fernando Martín-García, of the Partido Independentista Puertorriqueño; Juan Mari Brás of Causa Común Independentista; Jorge Farinacci of the Frente Socialista; Erasto Zayas Nuñez on behalf of Gran Oriente Nacional de Puerto Rico; Carlos Vizcarrondo Irizarry of the Partido Popular Democrático and La Comisión Autonomista Puertorriqueña; Juan Carlos Lizardi of Nacional Jóvenes Lulac; Ramón Luis Crespi Marrero of Agricultores Pro-Estadidad; Miriam Santiago of Educadores Arecibeños Pro-Estadidad; Luis Vega Ramos of the Pro Estado Libre Asociado; Marisol Corretjer Ruiz of the Partido Nacionalista de Puerto Rico; Alberto Lozada-Colón on behalf of the Comisíon Internacional de Unión Pro-Patria; Vanessa Ramos, American Association of Jurists; Julio A. Muiriente Pérez, Nuevo Movimiento Independentista Puertorriqueño; John Ward Llambias, on behalf of Fundación Acción Democrática Puertorriqueña; and Jennifer González-Colón of Give Puerto Rico a Chance (see A/AC.109/PV.1497).

159. At the 1498th meeting, statements were made by Olga Rodriguez, on behalf of the National Committee of the Socialist Workers Party; Hydee Rivera of Estadistas ante las Naciones Unidas; Wilfredo Santiago-Valiente of the United Statehooders Organization, Inc.; Wilma E. Reverón Collazo of the Congreso Nacional Hostosiano; Fernando Escabi of the University Students of San Sebastián, Puertorriqueños Pro-Estadidad; Rosa Rivera Santos of Cidreños Pro-Autodeterminacíón; Lolita Lebrón, on behalf of Puerto Rico Mi Patria; Ana M. López of the National Committee to Free Puerto Rican Prisoners of War and Political Prisoners; Elsie Valdés de Lizardi of the Liga de Ciudadanos Latino Americanos Unidos; Nilda Rexach of the National Advancement for Puerto Rican Culture; J. M. Rivera-Arvelo of the United States Statehood for Puerto Rico, Inc.; and Rev. Eliezar Valentín-Castañón, on behalf of General Board of Church and Society of the United Methodist Church (see A/AC.109/PV.1498).

160. At the 1497th meeting, the representative of Cuba introduced draft resolution A/AC.109/L.1885.

161. At the 1498th meeting, the representative of Cuba made a statement. The representative of the Russian Federation made a statement in explanation of vote before the vote. Statements were made by the representatives of China and Bolivia (see A/AC.109/SR.1498).

162. Following a statement by the Acting Chairman (see A/AC.109/SR.1498), the Special Committee adopted draft resolution A/AC.109/L.1885 by a roll-call vote of 10 to none, with 6 abstentions.

163. At the same meeting, the representatives of Bolivia, Iraq, Papua New Guinea, the United Republic of Tanzania and Venezuela made statements in explanation of vote after the vote (see A/AC.109/SR.1498).

164. At the same meeting, the Acting Chairman made a further statement (see A/AC.109/SR.1498).

165. The text of the resolution (A/AC.109/2131) adopted by the Special Committee at its 1498th meeting, on 11 August 1998, is reproduced below:

"*The Special Committee*,

"*Bearing in mind* the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960, as well as the resolutions and decisions of the Special Committee concerning Puerto Rico,

"*Recalling* that 25 July 1998 marks the 100th anniversary of the United States of America's intervention in Puerto Rico,

"*Having heard* statements and testimonies representative of various viewpoints among the people of Puerto Rico and their social institutions,

"*Taking into account* the discussions in the Congress of the United States of America on relations between Puerto Rico and the United States of America,

"*Considering* that the decade of the 1990s was proclaimed by the United Nations General Assembly, in its resolution 43/47 of 22 November 1988, as the Decade for the Eradication of Colonialism, and the sixteen resolutions and decisions adopted by the Special Committee on Decolonization on the question of Puerto Rico,

"*Aware* that the Puerto Rican people constitute a Latin American and Caribbean nation that has its own and unequivocal national identity,

"1. *Reaffirms* the inalienable right of the people of Puerto Rico to self-determination and independence, in conformity with General Assembly resolution 1514 (XV) of 14 December 1960, and the application of the fundamental principles of that resolution to the question of Puerto Rico;

"2. *Expresses its hope*, and that of the international community, that the Government of the United States of America will assume its responsibility of expediting a process that allows the Puerto Rican people to fully exercise their inalienable right to self-determination and independence, in conformity with General Assembly resolution 1514 (XV) and the resolutions and decisions of the Special Committee on Puerto Rico;

"3. *Requests* the Rapporteur to present a report to the Special Committee next year on the implementation of the present resolution;

"4. *Decides* to keep the question of Puerto Rico under continuing review."

C. Action by the General Assembly

166. During the forty-first session of the General Assembly, the representative of Cuba introduced a draft resolution (A/C.3/41/L.97/Rev.1) in the Third Committee on the situation of human rights and fundamental freedoms in Puerto Rico. By that resolution the General Assembly would have urged the United States to immediately stop all repressive measures against Puerto Rican patriotic forces and end discrimination against Puerto Ricans in the United States; end all military activities endangering the security of Puerto Ricans and their fundamental freedoms and human rights; and request the Commission on Human Rights to prepare a report on the topic of human rights in Puerto Rico and submit that report to the Committee. No action was taken on the draft.

IV. Question of political status

167. A detailed account of developments pertinent to this question prior to the period under review are contained in the following reports for the corresponding periods: A/AC.109/L.1334, paragraphs 57–82 (1959–1979), A/AC.109/L.1436, paragraphs 67–81 (1979–1982), and A/AC.109/L.1572, paragraphs 73–120 (1982–1985).

A. Elections and plebiscites

168. In the period since the last in-depth report by the Special Committee in 1985 (see A/AC.109/L.1572), three general elections (1988, 1992 and 1996) and two status plebiscites (1993 and 1998) have been held in Puerto Rico.

Elections

169. In 1988, regularly scheduled elections were held for the governorship and other statewide posts, including seats in the Senate and the Legislature. The Partido Popular Democrático, which distinguishes itself from the other two main parties by its stance in favour of the existing Commonwealth arrangement with the United States, won the elections. Its candidate for Governor, Rafael Hernández Colón, won 48.7 per cent of the vote. Baltazar Corrada del Río of the pro-statehood Partido Nuevo Progresista, won

45.8 per cent. Finally, Rubén Berríos Martínez of the Partido Independentista Puertorriqueño won 5.5 per cent.

170. In the next scheduled general elections, in 1992, Peter Roselló of the Partido Nuevo Progresista won the governorship with a plurality 49.9 per cent of the vote to the 45.9 per cent for the Partido Popular Democrático's Victoria Muñoz-Mendoza (the first woman ever to be nominated for the office). Fernando Martín of the Partido Independentista Puertorriqueño won 4.2 per cent.

171. The next scheduled general election, in 1996, saw the re-election of Governor Roselló by a majority 51.1 per cent. The Partido Popular Democrático's Héctor Luis Acevedo won 44.5 per cent and the Partido Independentista Puertorriqueño's David Noriega Rodriguéz won 3.8 per cent.

1993 plebiscite

172. As a result of the 1992 elections the governorship switched from the pro-Commonwealth Partido Popular Democrático to the pro-statehood Partido Nuevo Progresista led by Peter Roselló. Building on momentum created by its successful election results, Partido Nuevo Progresista organized a status plebiscite, which was held on 14 November 1993. The plebiscite options were virtually identical to those presented on the 1967 ballot (see A/AC.109/L.976, paras. 147–157). The ballot result was 48.4 per cent for status quo, 46.2 per cent for statehood and 4 per cent for independence. For the first time, therefore, the Commonwealth option did not receive a majority of votes.

173. Following this result, the Legislative Assembly of Puerto Rico passed concurrent resolution No. 24 of 30 November 1993, by which it requested the United States Congress to respond to the results of the plebiscite. In particular, it requested Congress to decide whether the definition of Commonwealth, as presented on the ballot (see para. 176) was acceptable from the point of view of Congress. Congress responded negatively to the definition provided in the 1993 plebiscite, arguing that it contained expectations that were not viable. Therefore, the Legislative Assembly voted to carry out another plebiscite in 1998, which would present viable options to the electorate.

1998 plebiscite

174. On 27 February 1997, a bill (House resolution 856, also known as the "Young bill" after its sponsor, Don Young) was introduced in the United States Congress in relation to the proposed 1998 plebiscite. If passed, the bill would have required the President of the United States to develop and submit to Congress for approval a transition plan of not more than 10 years, which would lead to full self-government for Puerto Rico. If the plebiscite indicated a majority approval for statehood, the bill would have required the above-mentioned transition plan, *inter alia*, to include the effective date of Puerto Rico's incorporation into the United States within 10 years. The Young bill thus effectively bound the United States Government to the results of the plebiscite. The Act was adopted by the House of Representatives on 4 March 1998 by a vote of 209 to 208. It was not acted upon by the Senate before the end of the Congress and thus expired.

175. Despite the failure of Congress to bind the United States Government to the results, the plebiscite was held as scheduled. The Popular Democratic Party, however, protested that the ballot choices as drafted: (a) misrepresented the Commonwealth status by implying that under it American citizenship could be unilaterally stripped away by the United States Congress; and (b) sought to confuse or distract those who supported the Commonwealth by including another option, "Free Association", whose definition was very similar to that of "Commonwealth". The Popular Democratic Party insisted that a fifth option, "None of the above", be included on the ballot. When this was achieved, the Popular Democratic Party encouraged its supporters to choose that option.

176. The definition of Commonwealth (Free Associated State) printed on the ballot of the 1993 plebiscite was as follows:

> "A vote for the Commonwealth is a mandate in favour of:
>
> - Guaranteeing our progress and security as well as that of our children within a status of full political dignity, based on the permanent union between Puerto Rico and the United States, embodied in a bilateral pact that cannot be altered except by mutual agreement.
>
> "The Commonwealth guarantees:
>
> - Irrevocable United States citizenship;
> - Common market, common currency and common defence with the United States;
> - Fiscal autonomy for Puerto Rico;
> - Puerto Rican Olympic Committee and our own international sports representation;
> - Full development of our cultural identity: under Commonwealth we are Puerto Rican first.
>
> "We will develop Commonwealth through specific proposals to be brought before the United States Congress. We will propose at once:

- Reformulating Section 936, ensuring the creation of more and better jobs;
- Extend the Supplementary Security Insurance (SSI) to Puerto Rico;
- Obtain Nutritional Assistance Programme allocations equal to those received by the States;
- Protect other product of our agriculture, in addition to coffee.

"Any additional change will be submitted to the Puerto Rican people beforehand for its approval."

177. The definition of Commonwealth printed on the ballot of the 1998 plebiscite was as follows:

"The application of the sovereignty of the Congress over Puerto Rico, which by virtue of Federal Act 600 of ... 1950, delegates upon the Island the establishment of a government limited to matters of a strict local order under its own Constitution. Said local government shall be subject to the authority of the Congress, the Constitution and the laws and treaties of the United States. By virtue of the Treaty of Paris and the Territorial Clause of the Federal Constitution, the Congress may treat Puerto Rico differently from the states, provided a rational basis exists for doing so. The United States citizenship of the Puerto Rican people shall be statutory. English shall continue to be the official language of the agencies and the courts of the Federal Government which operate in Puerto Rico."

178. As noted in paragraph 176, the 1998 ballot offered an option of "free association", which had not been presented in any previous ballot. Like Commonwealth status, it was an arrangement with the United States that was neither independence nor statehood. Popular Democratic Party argued that the similarities between this option and Commonwealth were unnecessarily and deliberately confusing. The text of this option was as follows:

"A Treaty which recognizes the full sovereignty of Puerto Rico to develop its relationship with the United States in a noncolonial, nonterritorial association. The United States shall relinquish all of its powers over Puerto Rico upon entering into the Treaty. Puerto Rico shall retain all powers not expressly delegated to the United States. Current United States citizens in Puerto Rico shall retain their United States citizenship if they so desire, and may pass it on to their descendants, subject to the provisions of United States laws or the Treaty. It should be construed that, as of the effectiveness of the Treaty, the mere fact of having been born in Puerto Rico shall not constitute the right to United States citizenship. Puerto Rico shall provide over the Puerto Rican citizenship. The Treaty to be negotiated shall provide for ... matters concerning the market, defence, the use of the dollar, economic assistance, and the protection of personal vested rights. The Treaty shall also recognize the sovereign capacity of Puerto Rico to enter into agreements and other international treaties."

179. It should also be noted that the plebiscite was preceded by a general strike of nearly half a million workers led by the Puerto Rico Telephone Workers Union protesting the local Government's decision to privatize the telephone company.

180. The plebiscite was held on 13 December 1998 with 71 per cent of the electorate participating. The results of the voting were as follows: 50.4 per cent for "None of the above", 46.7 per cent for Statehood, 2.3 per cent for Independence, 0.3 per cent for free association, and 0.06 per cent for Commonwealth. The general consensus among analysts was that: (a) statehood had once again been rejected by most Puerto Rican voters; and (b) the political status of the island had yet to be satisfactorily defined.

B. Views of the parties concerned

1. In the United States of America

181. Since 1953, the United States has maintained a consistent position regarding the status of Puerto Rico and the competence of United Nations organs to examine that status. By resolution 748 (VIII) of 27 November 1953, the General Assembly released the United States from its obligations under Chapter XI of the Charter and the United Nations. Since then the United States has maintained that Puerto Rico has exercised its right to self-determination, has attained a full measure of self-government, has decided freely and Democratically to enter into a free association with the United States and is, therefore, as stated explicitly in resolution 748 (VIII), beyond the purview of United Nations consideration. At the fifty-first session of the General Assembly, the representative of the United States stated in the Fourth Committee that the political status of Puerto Rico had been examined at repeated plebiscites. The results of those plebiscites had shown that there were few supporters of independence in Puerto Rico. The vast majority of Puerto Ricans supported the status quo, which meant that the issue had no bearing on the Committee's work (see A/C.4/51/SR.4, para. 54).

182. Consideration of the Young bill (House resolution 856) by the United States Congress in 1998 (see para. 174), gave several branches of the United States Government the occasion to express themselves on the status of Puerto Rico. Speaking before the Energy and Natural Resources Committee on 25 July 1998, Jeffry Farrow, co-chairman of the White House Task Force on Puerto Rico, hence a member of the executive branch, stated:

> "The arrangement [for the governing of Puerto Rico] is known by the name of the government that the constitution established: Commonwealth. Under it, the insular government exercises authority similar to that of a state while the federal Government continues to have its broad power under our national Constitution's territorial clause to govern non-state areas under the sovereignty of the United States. Through the arrangement, Puerto Ricans also consented to a number of provisions of federal law concerning the islands.
>
> "This arrangement was established by actions of the people of Puerto Rico as well as by actions of the federal Government. It was an important step in the development of Puerto Rico's self-government that we honour and that should be respected.
>
> "It was not, however, a political status choice and it did not change the islands' fundamental relationship to the United States, as your predecessor committee noted in approving it.
>
> "... This is, obviously, a matter of transcendant importance. It concerns the still unrealized self-government rights of millions of people: 3.9 million United States citizens under our flag by conquest who sacrifice for us in war but have no vote in the government that makes their national laws.
>
> "... President Clinton firmly believes that, after a century under the United States flag, Puerto Ricans should be enabled to choose among all of the options: national sovereignty — either independence of or an association with the United States; membership in the Union of States; and continuing the present arrangement. This is his highest priority regarding Puerto Rico. He will strongly support nationhood or statehood if Puerto Ricans vote for either status change and he will continue to work to make the current arrangement work better for them as long as they do not. He has no preference among the options, believing that the decision should be Puerto Ricans'."

183. Upon announcement of the results of the 1998 plebiscite, President Clinton said that he would work with Congress and Puerto Rico's leaders "to enable Puerto Ricans to clarify their choice among the options" and said that he remained "committed to implementing a majority choice for Puerto Rico's future status".

184. The legislative branch was equivocal on the question of Puerto Rico's future political status. The Young bill passed the House of Representatives by a single vote. It was not acted on in the Senate, and therefore died at the end of the legislative session. The reason for inaction, according to Senate Majority Leader Trent Lott, resulted from his dissatisfaction with the text:

> "I am concerned that the language of House resolution 856 does not clearly provide a workable option to the citizens of Puerto Rico. The definition of Commonwealth in the bill might imply that the existing rights of Puerto Ricans, including laws granting American citizenship, would be affected. Furthermore, the Commonwealth definition would, in effect, return Puerto Rico to the status of a territory without many of the self-governing rights currently afforded to Puerto Ricans."[12]

185. The judicial branch has pronounced on the political status of United States Territories, including Puerto Rico, in a series of decisions known as the Insular cases.[13] However, jurisprudence has not clearly fixed Puerto Rico's legal relationship with the United States. As one recent court decision described, this relationship represented "a skein of statutes and precedents as tangled as any in our history".[14] There is contention, in particular, around the issue of whether Puerto Rico falls under the territorial clause of the Constitution, or whether it has some other status that limits the powers of that clause. The territorial clause (art. IV, sect. 3) states that "The Congress shall have the power to dispose of and make all needful rules and regulations respecting the Territory or other property belonging to the United States".

186. In the case of *Rodriguez v. Popular Democratic Party*,[15] the United States Supreme Court confirmed that while "the fundamental protections of the United States Constitution extend to the inhabitants of Puerto Rico", the Territory, "like a state, is an autonomous political entity, 'sovereign over matters not ruled by the Constitution'".[16] Congress delegated powers of administration to the Commonwealth of Puerto Rico sufficient for it to function "like a state" and as "an autonomous political entity" in respect of internal affairs and administration, pending further disposition by Congress.

187. The comparison between a state and an entity subject to the territorial clause is, however, somewhat misleading. The territorial clause exists to regulate "Territories", hence those possessions under United States jurisdiction that are specifically not states and for which the Constitution gives to Congress the power to make all "needful rules and regulations". Thus, while a state is sovereign over all matters not specifically assigned in the Constitution to the federal Government (see tenth amendment of the United States Constitution) the Constitution sets no limits on the powers of the federal Government over a Territory, except that the rules made be "needful". Thus, a Territory is sovereign over matters ceded to it by Congress, in this case, matters defined by Public Law 447 (Congress's ratification of Puerto Rico's Constitution — see para. 8). If the territorial clause does apply to Puerto Rico, then ultimate authority for the island rests with Congress as it has the competence to amend or rescind its own laws, including, presumably, Public Law 447.

188. At the same time, the courts have not consistently applied the territorial clause to Puerto Rico. Neither is there a consensus of its applicability among other branches within the United States Government, nor among political groups in Puerto Rico. Some courts have ruled that Puerto Rico has become a state "within a common and accepted meaning of that term and with regard to certain statutes". In addition, courts have ruled that the rights, privileges, and immunities of United States citizens must be respected in Puerto Rico as if Puerto Rico were a state and thus subject to article 4, section 2, of the Constitution, rather than the territorial clause.[17] Yet, as the United States General Accounting Office notes,

> "In the most recent case to discuss the territorial clause with regard to Puerto Rico [*United States v. Sanchez*, 1993], the Court of Appeals for the Eleventh Circuit held that the Congress's decision to permit self-governance in Puerto Rico did not remove Puerto Rico from the application of the territorial clause. The Court concluded that there has been no fundamental alteration in Puerto Rico's relationship with the United States; Puerto Rico is still constitutionally a Territory, and not a separate sovereign."[18]

2. In Puerto Rico

189. In April 1999, the Special Committee addressed identical letters to several political parties in Puerto Rico as well as certain organizations that had previously communicated with the Special Committee on the subject, inviting them to transmit to the Rapporteur information pertinent to the question of self-determination and independence with respect to Puerto Rico and, in particular, the views of their respective parties or organizations on the matter (see the annex to the present document for a list of the organizations contacted). A similar letter was sent to the Representative of the United States to the United Nations requesting that country's views on the question of self-determination and independence with respect to Puerto Rico.

190. In some cases, specific replies were received, the texts of which are presented below. In other cases, the response consisted of the transmission of documents, many of them previously published, which, because of their length, could not be reproduced in the present study. Consequently, the Rapporteur decided to make the full text of the documents received available to members of the Special Committee, and to include in the present report such extracts as he considered to be specially relevant.

191. The Comité Puertorriqueño en las Naciones Unidas wrote as follows:

> "Since the formation of the United Nations, Puerto Ricans who support independence have brought the question of Puerto Rico to the attention of the world forum. In 1953, the United Nations approved resolution 748 (VIII) at the request of the United States delegation. The resolution relieved the United States, as an administering Power, of the duty of filing reports on Puerto Rico's political, economical and cultural situation, as was required under Article 7 *e* of the Charter, since, as the United States delegate put it, by the establishment of the Commonwealth of Puerto Rico, it had achieved a form of sovereign government.
>
> "On 14 December 1960, the United Nations approved resolution 1514 (XV) and created the Special Committee on decolonization to further the objective of eradicating colonialism from the world. In 1972, the Special Committee passed a resolution expressing the applicability of resolution 1514 (XV) to the question of Puerto Rico. Sixteen resolutions have been approved since then, the last one being on 15 August 1991 (A/AC.109/1088). From 1991 on, the Special Committee decided to await the result of efforts to approve legislation in the United States Congress to enable the people of Puerto Rico to exercise their right to self-determination. Even though two bills have been presented, the Johnston bill and the Young bill, the first one was not voted on by the Senate and the second one was adopted by one vote (209 to 208). To become law, a similar bill must be adopted by the United States Senate, passing through a joint

conference until finally arriving at the President's desk for its signature into law. The Young bill's counterpart, the Craig bill, is now before the United States Senate, but political analysts agree that it has little if no chance to be approved.

"The Young bill does not comply in any manner with applicable international law. The bill was drafted by the Republican congressman from Alaska, Don Young, at the request of the New Progressive Party pro-statehood leadership. The status definitions contained in the bill were drafted by the Congress with little Puerto Rican input. In fact, the leadership of the Popular Democratic Party refused to support the bill owing to its proannexation orientation and the lack of input by this organization in the definition of Commonwealth ("Estado Libre Asociado") status. Within the independence movement there is also great dissatisfaction because of its unilateral nature and the contradictory actions undertaken by the United States Government while supposedly engaged in a self-determination process. Some of the major concerns of the independence movement are: the continuous expansion of United States military presence in Puerto Rico, by installing a radar system (Relocatable Over-the-Horizon Radar (ROTHR)) for the alleged purpose of fighting drug-trafficking; the relocation of part of the Southern Command from Panama Canal to Puerto Rico and the intensification of the use of the island of Vieques, and the Roosevelt Roads Naval Station for the purposes of manoeuvres; the expansion of United States security agencies in Puerto Rico, by opening six new Federal Bureau of Investigation offices all around the island of Puerto Rico; the refusal to release 15 political prisoners incarcerated for their actions on behalf of the independence of Puerto Rico; the introduction of United States military programmes in the public education system, such as the Junior Reserve Officers Training Corps; the attempts to change the public education system to teaching in the English language; the involvement of the Puerto Rico Governor, Pedro Roselló, in United States political organizations as President of the Democratic Governors Association and the Southern Governors Association and his inclusion in United States commercial delegations to Latin America; the refusal of the United States Government to recognize that Puerto Rico is a Latin American nation; the refusal to recognize that Puerto Rican nationals living outside Puerto Rico have the right to participate in any decision regarding Puerto Rico's political status. Against this background, the United States Congress and Senate have been discussing a bill that is supposed to guarantee self-determination for the Puerto Rican people.

"The majority of the people of Puerto Rico do not support annexation as has been corroborated by plebiscite and survey after survey. Some 66 per cent of the Puerto Rican people do not support statehood for Puerto Rico in spite of living in a United States-dependent economy. The vast majority of the Puerto Rican people believe that Puerto Rico is a nation. The vast majority of the Puerto Rican people cherish their Spanish language and their cultural identity in spite of 100 years of aggression against their culture and language.

"The Puerto Rican people, as previously the peoples of Namibia, of South Africa and Palestine and all other peoples who were under the yoke of colonialism, need moral and political support, guidance and the watchful eye of the United Nations in their difficult but just struggle for self-determination. The people of Puerto Rico will have to decide which status is more convenient for their particular reality, but they must be granted the opportunity to truly and freely exercise their inalienable right to self-determination and independence.

"... We call upon the members of the Special Committee on decolonization to exercise their duty under the Charter and to make a reality of the fulfilment of the goals imposed on them by adopting resolution 43/47 of 22 November 1988 on the International Decade for the Eradication of Colonialism."

192. The People's Law Office wrote:

"In spite of a legislative history articulating a clear purpose to retain unaltered the existing colonial relationship,[19] in 1953 the United States Government represented to the United Nations that 'with the establishment of the Commonwealth of Puerto Rico, the people of Puerto Rico have attained a full measure of self-government', and that since Puerto Rico therefore no longer constituted a Non-Self-Governing Territory, the United States would decline to submit information to the United Nations about the United States relationship with Puerto Rico.[20] Based on these representations, the United Nations General Assembly adopted resolution 748 (VIII), providing that 'the association of the Commonwealth of Puerto Rico with

the United States has been established as a mutually agreed association' and recognizing that 'in the framework of their Constitution and of the compact agreed upon with the United States of America, the people of the Commonwealth of Puerto Rico have been invested with the attributes of political sovereignty which clearly identify the status of the self-government attained by the Puerto Rican people as that of an autonomous political entity'.

"In connection with a 1996 United States congressional report, prepared for legislation designed to address the 'problem' of Puerto Rico,[21] the legislation's main sponsor acknowledged that this purported relationship of mutual consent is a 'legal and political fiction'[22] if it is not preceded by the full sovereignty of the associated country: 'until a Territory obtains sovereignty within or outside of the Constitution, Congress will not be connected by a bilateral pact of mutual consent'.[23] Indeed, the basic premise for that legislation proposing to convoke a plebiscite in 1998 was that the commonwealth was not in fact a bilateral pact based on mutual consent.[24] Congressional sources admit that the free associated state does not represent a real alternative of self-government.[25]

"While the congressional report stopped just short of conceding that United States Government officials made misrepresentations to the United Nations in order to avoid international scrutiny of the colonial relationship with Puerto Rico, it attributes the 'discrepancy' between the information provided to the United Nations and the reality about the relationship to 'the result of a very sophisticated misunderstanding'.[26] The United States Government apparently never bothered to bring this 'discrepancy' to the attention of the United Nations.

"The primary sponsor of the 1996 legislation articulated with impunity:

> 'In the nearly 100 years in which the United States has exercised sovereignty over this Territory under the Treaty of Paris, Congress has never afforded the people an opportunity freely to express their wishes regarding a permanent and fully self-governing political status. This includes the last 40 years, during which, as a signatory to the United Nations Charter, the United States has had an obligation to respect self-determination and promote establishment of full self-government in Puerto Rico.'"[27]

193. The Unión Nacional Pro-Patria wrote:

"American citizenship is the key factor of the political equation defining Puerto Rico as a colony of the United States. Imposed in 1917 (no plebiscite) it had the effect of discouraging Puerto Rican national sentiment, thus hampering support of independence ideology. The Foraker organic law of 1900, undemocratic as it was, nevertheless recognized the ethnic and cultural differences of islanders and North Americans. Natives were identified as citizens of Puerto Rico. This meant nothing in terms of liberties and power, but certainly acknowledged our unique political personality. Colonialism always inflicts insult and injury on the people subdued, but it can be aggravated by cultural aggression. In this sense, the invasion and domination of Hispanic and Catholic Puerto Rico by an Anglo-Saxon and Protestant nation was an overt act of rugged imperialism. An impoverished and illiterate society has been at the mercy of the richest and most powerful nation in the world since 1898. Sheer military and economic forces dictated the laws Puerto Ricans were to abide by.

"In time, law and order were accepted and respected by the majority of Puerto Ricans disregarding its immoral and even illegal fundamentals. The prospects of a better life under the rule of rich and prosperous United States dulled our people's intellect and the will to become a free nation. However, being an American citizen was an unnatural political identification for a Puerto Rican, it provoked in him an awareness of his nationality and its cultural profiles. Such was dramatized by the fact that over 80 per cent of Puerto Ricans can't speak or understand English, the language of their citizenship. Pedro Albizu-Campos, foremost nationalist leader, engineered strong opposition to colonial and annexationist forces in the decades of the thirties and the forties, culminating in the violent October revolution of 1950. Having failed, many nationalists were incarcerated and for many years 'independentistas' were to be persecuted and repressed because of their political beliefs.

"Puerto Rican nationalism received an almost fatal blow in 1952 when the political power of Governor Luis Muñoz Marin and the Popular Democratic Party actually institutionalized colonialism in a form of home rule based on a constitutional charter that, in its preamble, clearly defines American citizenship as the key factor in Puerto Ricans' quest for freedom and happiness. This new political status

was called 'Commonwealth' in English and 'Estado Libre Asociado' in Spanish. Although written by Puerto Ricans and approved by majority vote in a referendum, the Constitution of the Estado Libre Asociado required final approval by the United States Congress, so much so that congressmen deleted a whole section from the original draft.

"... When, in January 1993, Governor Pedro Roselló signed the law that revoked legislation determining Spanish as the official language of Puerto Rico, I became convinced that the Puerto Rican's American citizenship would forever conflict with his nationality, propitiating for him not only political inferiority but also confusion, emotional instability and low self-esteem. Why can't Puerto Ricans be citizens of their nationality, of Puerto Rico, the same as citizens of all the countries in the world? Thus, we considered it imperative for Puerto Rican nationals to renounce American citizenship and claim the right to be citizens only of Puerto Rico with all the international rights and prerogatives of citizens of any other nation in the world.

"Over 1,500 of us have sworn before an attorney that we are no longer American citizens, thus renouncing also the use of the American passport, carrying instead a Puerto Rican passport issued by our own organization. However, more than 20 Puerto Ricans, led by Juan Mari Bras, decided to renounce American citizenship according to United States immigration laws. After years of litigation a federal court in Washington, D.C., decided that in order for a Puerto Rican to be able to live and work in Puerto Rico he must be an American citizen. This is what colonialism is all about.

"A Puerto Rican will never become a free man unless he renounces American citizenship, a juridical stigma that obligates him to be loyal to the body politic that enslaves his nation. Our right to be citizens of Puerto Rico is based on our Puerto Rican nationality derived from the God-given grant of being born, raised and residing on our island. Because we are under the jurisdiction of United States laws and courts of justice, there is no way Puerto Ricans can be vindicated politically as I have explained and according to the recent ruling in the Lozada case decided by a Washington-based federal judge.

"By this media, and speaking in the name of our 1,500 members, we appeal to the United Nations seeking recognition for our citizenship of Puerto Rico's only honourable political status and also of our right to travel in the world with a Puerto Rican passport. Puerto Rican men and women who consider American citizenship a symbol of oppression, and of colonialism and assimilation, must be endowed with the inalienable right of freedom, even though it be recognized individually and not through the normal process of national sovereignty."

194. The Partido Nacionalista de Puerto Rico wrote:

"... Almost half a century after Puerto Rico was removed from the list of colonial Territories pursuant to General Assembly resolution 748 (VIII), it is clear that this decision was the product of representations not supported by any legal, political, economic or social reality. Puerto Rico continues to be a colony. Thus, the most significant development in this respect since 1985 is not any genuine step towards decolonization, but the colonial Power's admission of what it denied in 1953: As far as the United States is concerned, the creation of the Estado Libre Asociado de Puerto Rico did not alter Puerto Rico's relation to the United States.

"Puerto Rico remains a prize of war acquired by right of conquest under the Treaty of Paris, governed under a clause of the United States Constitution that proclaims its right to 'dispose of and make all needful rules and regulations respecting the territory and property belonging to the United States' (art. IV, sect. 3), and as such, subject to obvious military occupation.

"Puerto Rico's more than century-long anti-colonial struggle, in which the Nationalist Party has had the honour to play an active role for close to seven decades, is the fruit of no mere abstract grievance. The crime of colonialism affects virtually every aspect of our life as a nation, and as individuals. It turns our public schools into zones marked by polemics about elementary school instruction of mathematics and science in a foreign language, our public health system and telephone companies into assets to be sold to the highest (usually foreign) bidder.

"Our legal inability to control our economy has resulted in the successive plundering of our natural resources and workforce to produce goods the United States no longer needs a colony to produce: from sugar to garments to petroleum processing to electronics to pharmaceuticals. We are left with non-productive lands, abandoned factories, workless workers, polluted air, soil and water.

"Our inability to control our borders has converted Puerto Rico into an island whose beaches are literally littered with tons of cocaine, marijuana and heroin destined for New York, Miami or San Francisco dropped from aeroplanes, or dumped from speedboats onto remote beaches. Our children are tempted by foreign models of consumption and the promise of quick money. They end up dead or in prison in astonishing numbers.

"We have a median income of $7,672 — about half that of the poorest state in the United States (Mississippi) — with an average cost of living well above that of New York. Some 60 per cent of our families living beneath the official poverty line — despite the fact that many families have two working parents and/or two job parents. Is it any wonder that we suffer levels of consumer debt (estimated at 50 per cent of income), bankruptcy, mental illness, drug-dependency, alcoholism, divorce, suicide and domestic violence unknown in any state of the United States?

"Currently the small island municipality of Vieques is under a state of siege: protesters occupy lands the United States Navy uses for target practice with live rounds of hollow-point bullets made of spent uranium. The protesters will not leave until the Navy leaves Vieques. On 19 April 1999, the United States Navy made a mistake. It aimed its guns and fired at a guardhouse where one of its watchmen, a civilian from Vieques, was on duty. Davis Sanes was killed. The President of the United States has yet to apologize to his family, to Vieques, to the people of Puerto Rico.

"Vieques is a small paradigm of Puerto Rico. Its economy is stymied by the use of most of its land for war-games. The earth is literally torn up by bombs and bullets, the marine life vanishing. The inhabitants of Vieques suffer from cancer at a rate several times that of Puerto Ricans not subject to year-round bombardment. High school students have no prospect of work.

"Sixteen of our most dedicated patriots are ageing in United States jails. They are serving sentences far longer than those meted out to murderers, rapists and repeat offenders. They were and are teachers, internationally recognized artists, youth and addiction counsellors and journalists, human resources desperately needed to heal our suffering society. Their crime: struggling against colonialism; conspiring for the independence of Puerto Rico.

"They have been subjected to the 'white torture' of sensory deprivation cells in Florence and Marion and Lexington, Kentucky, spied on by 24-hour surveillance cameras while they sleep and attend to personal needs. Some have been raped by their jailers. Six years ago, a formal petition for amnesty was filed on their behalf. Well over 100,000 letters have been sent to the President of the United States by ordinary citizens, as well as by all of Puerto Rico's Roman Catholic bishops and the leaders of every other major religious congregation, the leaders of all political parties, both houses of the legislature, 10 Nobel laureates and all three Puerto Ricans serving in the United States Congress urging him to release them as a gesture of good will, a first step towards decolonization. He has not answered. Instead the United States presses on, seeking the longest possible sentence for a new Puerto Rican political prisoner, a distinguished university professor found guilty of conspiracy by a jury with no Puerto Ricans in March 1999.

"Draconian sentences, invasive investigative methods against 1 or 15 or 500 *independentistas* are part of a century-old practice of repression that has left deep marks on the Puerto Rican psyche and society, as documented by recent litigation in the Supreme Court of Puerto Rico and elsewhere.

"... This is the real cost of colonialism. It has brought the Puerto Rican nation to the brink of extinction. Without self-determination and independence, we cannot survive. The historic and legal concepts we present to this Committee are important, not merely because they demonstrate that the colonial Power has misrepresented our reality to the international community, but because these misrepresentations, accepted as truth, have held back our struggle to exercise our right to self-determination.

"... The United States rejects the application of international law, generally, and the law of decolonization, in particular, to the case of Puerto Rico. Almost 50 years after assuring the international community that Puerto Rico had achieved self-government, its 'discussions' regarding our status are carried out exclusively within the framework of its own Constitution, and specifically, article IV, section 3, clause 2, its Constitution, known as the 'territorial clause', which establishes its right to make all necessary rules for and 'dispose of' its 'territories'.

"... How does this abstract, ancient and abstruse legal doctrine affect the lives of Puerto Ricans in 1999? Concretely, immediately, in the minutest corners of their lives from before birth until after death. A few of the most outstanding examples follows.

"... Since its amendment and approval by the Congress of the United States, Puerto Rico's Constitution has repeatedly been overridden by mere statutes of the United States. For example, in *Camacho v. Autoridad de Teléfonos, ...* 1989, a United States Court of Appeals sitting in Boston, Massachusetts, determined that Puerto Rico's constitutional protection forbidding the electronic surveillance must give way to United States criminal statutes authorizing it, lest Puerto Rico's Constitution 'sabotage a vital cog in the machinery' of the United States criminal enforcement mechanism.

"The 'criminal enforcement' mechanism in this instance involved massive investigation and intelligence-gathering operation conducted by agents of the United States Federal Bureau of Investigation in Puerto Rico between 1981 and 1986 against more than 50 Puerto Rican *independentistas*, charged with conspiring to overthrow the United States Government in Puerto Rico. Their conversations had been secretly wiretapped in their cars, kitchens and bathrooms and on public and private telephones. United States district and circuit courts held that Puerto Rico's constitutional provision was simply irrelevant. Similar rulings were made with respect to Puerto Rico's right to bail, which requires dismissal of all charges pending six months after the arrest of a person not released on bail. In that case, *independentistas* were held in the United States without bail for up to 33 months. Two of those prosecuted are still in jail, one serving a sentence of 55 years.

"Currently pending in the United States District Court for the District of Puerto Rico is the issue of whether the United States may seek the death penalty against Puerto Rican citizens in Puerto Rico. At the close of 1998, the United States Department of Justice had sought permission from Washington, D.C., to seek the death penalty in Puerto Rico more frequently than in any other jurisdiction. (United States law authorizes the death penalty in federal prosecutions involving large quantities of drugs also involving murder or other serious offenses against the person.) Puerto Rico's Constitution, reflecting the modern international consensus that the death penalty brutalizes the Government in whose name it is carried out, prohibits State-sanctioned murder.

"Clearly, a constitution that can be trumped by a mere statute of another nation is subject to the 'superior authority' of the trumping nation. Puerto Rico's Constitution has never been a true constitution of the people of Puerto Rico; the United States has never recognized our sovereign right to constitute ourselves in a nation and draft a constitution consistent with and subject to nothing but our values, customs and culture as a people.

"... By selectively treating Puerto Rico 'as if it were a state' incorporated into the United States for purposes of applying United States laws when convenient, congress not only overrides Puerto Rico's constitution when convenient, but also enacts legislation and delegates powers to the executive branch which controls the 'domestic affairs' of Puerto Ricans in a multitude of ways that are of great impact on the day-to-day lives of Puerto Ricans.

"Puerto Rico is treated 'as if it were a state' for purposes of compulsory registration for United States military service. Puerto Rican youth who object to being required to register for military service on behalf of a Government which neither represents their interests nor consults them before declaring war, are subject to criminal penalties. Puerto Rico is also treated as a 'state' of the United States for purposes of the enforcement of United States criminal laws and penalties; and for the purposes of trade, making our nearest neighbours (the Dominican Republic, Haiti and Cuba; the rest of the Caribbean, Venezuela, Colombia and other Latin American countries) 'foreign', while distant 'states' (such as Minnesota, Maine and Oregon, Alaska and Hawaii) 'domestic'. Puerto Rico, an island lying between the Atlantic Ocean and the Caribbean Sea, is subject to federal laws requiring use of its merchant marine, the most expensive in the world, to import products manufactured in distant parts of the United States. Puerto Ricans who participate in athletic and cultural events in our neighbouring republic of Cuba are harassed by United States Customs officials who threaten prosecution for violation of the illegal embargo.

"... The last half-century of polite expressions of hope on the part of this body that the United States would offer a solution to its own colonial problem have, time and time again, been mocked. On the eve of the next millennium, it is imperative that this

Committee recognize Puerto Rico's continuing colonial condition and require concrete steps towards genuine decolonization, including:

"– Recognition of the sovereignty of the people of Puerto Rico;

"– Immediate withdrawal of all military United States and allied military forces from Vieques, Ceiba ('Roosevelt Roads'), Juana Díaz ('Fort Allen'), Guaynabo ('Fort Buchanan') and elsewhere on Puerto Rican soil;

"– Cessation of the use of Puerto Rican soil, earth and air for experiments by the National Aeronautics and Space Administration (NASA) and other military and paramilitary agencies for experiments with rockets and satellites that pose a risk of danger to our people and our environment;

"– A prohibition on shipping of nuclear wastes through the Mona Canal or elsewhere in the Atlantic and Caribbean surrounding Puerto Rico;

"– Unconditional release of all Puerto Rican political prisoners and amnesty for all those accused in connection with their participation in the independence struggle, and an end to repression against *independentistas,* labour activists, environmentalists and others who defend the Puerto Rican nation;

"– Commitment to respect the will of the people of Puerto Rico following an exercise of genuine self-determination under international law and international supervision."

195. The Causa Común Independentista wrote:

"Mr. Chairman, ladies and gentlemen of the Special Committee, I am appearing once again before you as a representative of the Puerto Rican people, who are flighting for their independence, and specifically as a spokesman for Causa Común Independentista, an organization established in 1989.

This year marks important anniversaries relating to the question of Puerto Rico in the United Nations. A period of 100 years has already elapsed since the invasion of Puerto Rico by United States troops and the subsequent illegal seizure of our homeland by the United States Government. Next September will mark the twenty-fifth anniversary of our first appearance, together with Comrade Rubén Berríos, Chairman of the Puerto Rican Independence Party, before this body.

Never, during its century of intervention in Puerto Rico, has the United States ever recognized, still less enforced, the right to self-determination of the Puerto Rican people as defined in the Charter and other relevant United Nations resolutions and documents. Our people have never been given the right to express their views on Puerto Rico's final status as a Latin American and Caribbean nation — a reality that does not depend on plebiscites or on the electoral process — despite the fact that such right has been repeatedly demanded by distinguished spokesmen of all political persuasions, right from the moment Puerto Rico was invaded until today.

During the past quarter of a century, this Special Committee has adopted 16 resolutions and decisions on the colonial status of Puerto Rico. They have all been endorsed by the General Assembly when it adopted the related reports of the Committee.

The latest resolution, adopted in 1991, reads as follows:

'*Bearing in mind* the agreement of the Puerto Rican political leadership to request the President of the United States of America and the United States Congress to adopt legislation with a view to consulting the people of Puerto Rico so that they may express themselves freely, voluntarily, Democratically and without interference on their political future,

...

Deploring the fact that the United States Congress has not yet adopted the legal framework for the holding of a referendum to enable the people of Puerto Rico to determine their political future through the exercise of their right to self-determination,

...

1. *Reaffirms* the inalienable right of the people of Puerto Rico to self-determination and independence, in conformity with General Assembly resolution 1514 (XV) of 14 December 1960, and the application of the fundamental principles of that resolution with respect to Puerto Rico;

2. *Trusts* that the United States Congress will adopt as soon as possible the legal framework to enable the people of Puerto Rico to exercise their right to self-determination, through popular consultations, in accordance with the principles and practice of the United Nations.'

Seven years have gone by since this latest resolution was adopted. Every year, after hearing the petitioners, whose time to speak is being gradually reduced, the Committee has postponed taking a decision until the following year. The reason that has been given for such inaction was that the Committee was waiting for the legislative process in the United States Congress to run its course. The Committee had already expressed its concern over the lack of progress in such legislation in 1991; in 1998 it must now take note of the fact that pending legislation before the one hundred and fifth Congress has once again failed, and that there is no commitment on the part of official spokesmen for the United States colonial policy that a serious attempt will be made to allow the people of Puerto Rico to opt for self-determination.

Even as it continues to postpone taking a decision on Puerto Rico, the United States is stepping up its activities on our islands and is building more military and naval bases there; it is preventing Puerto Rico from joining the various emerging regional organizations in the Caribbean that are open to all the nations of the Caribbean region; it is brazenly keeping in detention 15 Puerto Rican patriots for acts related to our struggle for independence, turning a deaf ear to the entreaties that hundreds of thousands of people have made to the President of the United States to set these Puerto Ricans free; and it continues to keep Puerto Rico as nothing more than a captive market of the United States so that its exporters can monopolize the export trade to our country.

The time has come for the Special Committee to fulfil its ineluctable obligation to ensure the implementation of the principles of decolonization that have been repeatedly affirmed in dozens of international resolutions, treaties and conventions on the question of Puerto Rico. It is scandalous that the question of Puerto Rico is not being judged by the same strict standards as the other questions of colonialism in the world, merely because the administering Power also happens to be the most powerful nation in the world today.

Only the effective presentation by the United Nations of its request concerning the question of the decolonization of Puerto Rico will compel the United States, especially the heads of the three branches of its Government, to take action and to counter the improper pressure that the Pentagon continues to put on them to thwart any initiative in favour of the decolonization of Puerto Rico.

Such action must be taken now. We cannot wait any longer. Failure by the United Nations to take action is tantamount to forming an alliance with the most reactionary forces in Washington that are conspiring to subject Puerto Rico to yet another century of colonialism through the so-called incorporation of the Territory, which means converting the external colony into an internal one. The inevitable outcome of such a great injustice would be violence. We are confident that the nations that have been entrusted with the important task of helping to eradicate colonialism in this decade — the unfinished agenda of the Special Committee — will be able to carry out such a crucial undertaking. The good, hard-working and creative people of Puerto Rico are pinning all their hopes on you. Thank you."

Notes

[1] Ivonne Acosta, *La Mordaza: Puerto Rico, 1948–1957* (Rio Piedras, Editorial Edil, 1989), p.13.

[2] Fermín L. Arraiza Navas, "Puerto Rico in the Decolonization Decade: 1990–2000", *Revista del Colegio de Abogados de Puerto Rico*, vol. 58, January–June 1997, p.27.

[3] The Economist Intelligence Unit, Country Profile, Puerto Rico 1998–1999.

[4] The Economist Intelligence Unit, "Puerto Rico Economy: Business Outlook", November 1998.

[5] *South Florida Sun-Sentinel*, 11 March 1999.

[6] *The Orlando Sentinel*, 24 April 1999.

[7] Ibid., 9 May 1999.

[8] *Primera Hora* (Puerto Rico), 24 April 1999; and International Press Service, 5 May 1999.

[9] Reuters, 2 June 1999.

[10] The three instruments on which the United States has taken no action are the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the Optional Protocol to the International Covenant on Civil and Political Rights; and the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty.

[11] José Trías Monge, *Puerto Rico: The Trials of the Oldest Colony in the World* (New Haven: Yale University Press, 1997), pp. 114 and 117.

[12] Cited in the statement made by Carlos Vizcarrondo Irizarry, representative of the Partido Popular Democrática and the Comisión Autonomista Puertorriqueño at the 1497th meeting of the Special Committee, on 10 August 1998 (see A/AC.109/SR.1497).

[13] The Insular Cases that pertain to Puerto Rico are as follows: *De Lima v. Bidwell*, 1901, *Downes v. Bidwell*, 1901, *Dooley v. United States*, 1901, *Armstrong v. United States*, 1901, and *Balzac v. Porto [sic] Rico*, 1922.

[14] *Trailer Marine Transp. Corp. v. Rivera-Vazquez*, 1992.

[15] *Rodriguez v. Popular Democratic Party*, 1982.

[16] The interior citation is from *Mora v. Mejias*, PR 1953.

[17] *American Jurisprudence*, vol. 72, 2nd edition, para. 136, under "States, etc.".

[18] General Accounting Office letter report, 7 November 1997, GAO/OGC-98-5.

[19] Ronald Fernandez, *The Disenchanted Island: Puerto Rico and the United States in the Twentieth Century* (New York: Praeger, 1992), p. 180.

[20] Memorandum by the Government of the United States of America concerning the cessation of transmission of information under Article 73 *e* of the Charter with regard to the Commonwealth of Puerto Rico, 1953. However,"[t]he cessation [of reporting] does not exonerate the administering country from taking the necessary measures to recognize the independence of the Territory". Loida Figueroa, *El caso de Puerto Rico a nivel internacional* (Rio Piedras: Editorial Edil, 1979), p. 85.

[21] Report on the United States-Puerto Rico Political Status Act, to accompany House resolution 3024, submitted by Representative Young. Report 104-713, 104th Congress, second session, 26 July 1996 (hereafter H.R. 3024 report).

[22] A noted political scientist called the Commonwealth "the supreme creation in the art of political mythology". Manuel Maldonado-Denis, *Puerto Rico: A Socio-Historic Interpretation* (New York, Random House, 1972), p. 192.

[23] José A. Delgado, "'Pacto bilateral' no es alternativa", *El Vocero*, 4 March 1997, p. 6, quoting correspondence from Representative Young to President Clinton. See also H.R. 3024 report, p. 21 ("Indeed, the notion that an unalterable, permanently binding mutual consent political relationship can be instituted under the United States Constitution between an unincorporated Territory and the Congress has been discredited. The Clinton Administration Justice Department has confirmed that mutual consent provisions are not binding on a future Congress, are not legally enforceable, and must not be used to mislead Territorial residents about their political status and legal rights.").

[24] Delgado, op. cit.; and H.R. 3024 report, p. 21.

[25] Delgado, op.cit.

[26] H.R. 3024 report, p. 14.

[27] Ibid., p. 16.

Annex

Organizations contacted to provide information on self-determination and independence with respect to Puerto Rico

Atenea Puertorriqueña

Colegio de Abogados de Puerto Rico

Comité Puertorriqueño en las Naciones Unidas

Congreso Nacional Histosiano

Instituto Caribeño de Acción y Formación Ecuménica

Nuevo Movimiento Independentista Puertorriqueño

Partido Independentista Puertorriqueño

Partido Nacionalista de Puerto Rico

Partido Nuevo Progresista

Partido Popular Democrático

Unión Nacional Pro-Patria